

ESTTA Tracking number: **ESTTA131843**

Filing date: **03/26/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Montana Mangalarga Marchadors, LLC
Granted to Date of previous extension	04/04/2007
Address	P.O. Box 27 Boulder, MT 59632 UNITED STATES

Attorney information	Lora A. Moffatt Salans Rockefeller Center, 620 Fifth Avenue New York, NY 10020 UNITED STATES lmoffatt@salans.com,lrosenburgh@salans.com Phone:(212) 632-5500
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Applicant Information

Application No	78364866	Publication date	12/05/2006
Opposition Filing Date	03/26/2007	Opposition Period Ends	04/04/2007
Applicant	Sielbeck, Marsha K 8250 NW 136th Avenue Road Ocala, FL 34482 UNITED STATES		

Goods/Services Affected by Opposition

Class A. First Use: 2001/06/01 First Use In Commerce: 2001/09/01 All goods and sevicees in the class are opposed, namely: Mangalarga Marchador horses
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Attachments	MBRANDOPPOSITION.pdf (8 pages)(311872 bytes) MBRANDEXHAG.pdf (45 pages)(3461880 bytes) MBRANDEXHFI.pdf (56 pages)(2297710 bytes)
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Signature	/lora a moffatt/
Name	Lora A. Moffatt
Date	03/26/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 78364866

For the mark M and Design

Published in the Official Gazette on December 5, 2006

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MONTANA MANGALARGA MARCHADORS LLC, :

Opposer, :

v. : **Opposition No.**

MARSHA K. SIELBECK, :

Applicant. :

-----X

NOTICE OF OPPOSITION

MONTANA MANGALARGA MARCHADORS LLC, a Montana limited liability company with a place of business located at Lazy T Ranch, P.O. Box 27, Boulder, Montana 59632 ("Opposer"), believes that it will be damaged by registration of the mark shown in the above-identified application (the "Mark"), and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer breeds and sells horses in Montana.
2. Opposer began importing Mangalarga Marchador horses from Brazil in 2001.
3. Applicant sent a letter to the U.S. Customs Service, dated January 7, 2004, falsely claiming exclusivity of importation of Mangalarga Marchador horses bearing the Mark, falsely identifying U.S. Registration No. 2,519,915 as a registration covering the Mark, and falsely listing Opposer and other U.S. horse breeders as unauthorized importers of

Mangalarga Marchador horses bearing the Mark. See the attached letter from Applicant to the U.S. Customs Service, attached hereto as Exhibit A, and a true and correct copy of U.S. Registration No. 2,519,915, attached hereto as Exhibit B.

4. The Associação Brasileira dos Criadores do Cavalo Mangalarga Marchador ("ABCCMM") is the true owner of the Mark.

5. The ABCCMM is authorized by the Federal Government of Brazil through the Ministry of Agriculture to control the Mangalarga Marchador horse breed and is responsible for recording reproduction, births and registries of these horses. The ABCCMM has established breed standards and rigorous tests and qualifications to certify Mangalarga Marchador horses. All inspections are performed by a team of highly respected individuals trained and authorized by the ABCCMM. The certification mark, as used by persons authorized by the ABCCMM, certifies that the horses have met the certifier's breed standards regarding gait, conformation and temperament. The Mark is branded on the right shoulder of horses that have passed inspection and are permitted to breed according to the ABCCMM standards.

6. The ABCCMM is known throughout the world in the industry as the certifier of Mangalarga Marchador horses.

7. The ABCCMM's Mark is famous and well-known throughout the relevant industry and is commonly recognized to represent Mangalarga Marchador horses that have been certified by the ABCCMM.

8. The ABCCMM has been authorizing the use of the Mark on registered and approved horses since 1950 in Brazil.

9. The ABCCMM first authorized use of the Mark in the United States in early 1991, on a date which is prior to Applicant's alleged date of first authorized use of the Mark.

10. The first importation of certified Mangalarga Marchador horses to the United States was done by Gabriel Donato de Andrade and the Lucas Guerra family in the early 1990's; not by Applicant. Applicant did not import such horses from Brazil until after such importation by the Guerra family who has operated the sales and breeding operation continuously from the early 1990's until today under the Pegasus Farms and MM Horse Farms names.

11. Notwithstanding the foregoing, Applicant's importation of Mangalarga Marchador horses certified by the ABCCMM does not constitute first use of the mark by users authorized by Applicant.

12. Opposer traveled to Brazil in 2001 and purchased several Mangalarga Marchador horses that were branded with the Mark under the authority of the ABCCMM. The horses arrived in the U.S. in February 2002.

13. On information and belief, during the 1990's, other U.S. individuals bought and sold Mangalarga Marchador horses that were branded with the Mark under the authority of the ABCCMM.

14. The ABCCMM owns a Brazilian registration for the Mark. The ABCCMM's Brazilian Registration is valid, subsisting and in full force and effect. A true and correct copy of ABCCMM's registered mark is attached hereto as Exhibit C.

15. Notwithstanding the ABCCMM's prior rights in and to the Mark, the Applicant filed application Serial No. 78/364866 on February 9, 2004 for the Mark in Class 6 for "Mangalarga Marchador Freeze Iron Brand consisting of a bold horseshoe with a bold M in the center." ("Sielbeck's Application"). Attached hereto as Exhibit D is a copy of Sielbeck's Application.

16. On October 1, 2004, the ABCCMM filed U.S. Application Serial No. 76/614208 for the Mark. The application is currently suspended pending the disposition of Sielbeck's Application.

17. Sielbeck's Application is invalid as it contains false and misleading statements, specifically intended to mislead the USPTO. In addition, throughout prosecution of Sielbeck's Application, Applicant has made various false and misleading statements, specifically intended to mislead the USPTO. See Paragraphs 18 through 28 below.

18. Applicant is not now, and was not at the time of filing of Sielbeck's Application, the rightful owner of the mark.

19. Applicant's statement that she is not engaged in the production or marketing of the goods or services to which the Mark is applied is clearly false and misleading. On information and belief, Applicant has been involved in several organizations that actively own, breed, import, market and sell certified Mangalarga Marchador horses. Attached hereto as Exhibit E are articles and other documents evidencing Applicant's affiliation with Premier International Farms, LLC, Premier International Import Export, LLC and Regal Legacy Horse Farms Inc., entities that own, breed, import, market and sell certified Mangalarga Marchador horses.

20. As further evidence that Applicant is not the rightful owner of the Mark, Applicant has attempted to register the Mark in the past under the name of the Mangalarga Marchador Horse Association of America. See the attached application Serial Nos. 76/220652 and 76/209469, signed by Applicant as President, attached hereto as Exhibit F.

21. On information and belief, Applicant does not now, and has never certified Mangalarga Marchador horses in accordance with the certification standards submitted in connection with Sielbeck's Application.

22. Applicant does not now control, has never controlled and is not able to legitimately exercise control over the use of the Mark.

23. An Office Action issued on September 3, 2004 in Sielbeck's Application. Applicant did not respond to the Office Action and Sielbeck's Application abandoned. On June 13, 2005, Applicant filed a Petition to Revive Sielbeck's Application alleging that its failure to respond was unintentional, and responded to the Office Action amending the application to a certification mark, listing "Mangalarga Marchador horses" as the goods in Class A and amending the date of use anywhere from March 6, 2001 to June 1, 2004 and amending the date of first use in commerce to from March 6, 2001 to September 1, 2004 (The "First Amendment"). Attached hereto as Exhibit G is a copy of the First Amendment.

24. On information and belief, Applicant's failure to respond to the September 3, 2004 Office Action was not unintentional.

25. Applicant does not provide or certify the goods set forth in Sielbeck's Application, namely ""Mangalarga Marchador Freeze Iron Brand consisting of a bold

horseshoe with a bold M in the center.” The description of goods, as amended to “Mangalarga Marchador horses” in the First Amendment is beyond the scope of the goods in Sielbeck’s Application and should not have been allowed by the PTO.

26. The First Amendment sets forth dates of first use in 2004 that are after the filing of Sielbeck’s Application on February 9, 2004. The First Amendment however failed to change the basis of the application from a used based application to an intent to use application.

27. On June 24, 2005, Applicant submitted another amendment (the “Second Amendment”) amending the dates of first use from June 1, 2004 to June 1, 2001 and in commerce from September 1, 2004 to September 1, 2001, alleging that the dates of first use in the First Amendment were a mistake. The dates of first use in the Second Amendment are different from those alleged in Sielbeck’s Application and in the First Amendment. On information and belief, Applicant’s dates of first use are false. Attached hereto as Exhibit H is a copy of the second Amendment.

28. On June 9, 2006, Applicant’s new counsel informed the PTO of Applicant’s failure to timely respond to another Office Action, and on August 16, 2006 filed a second Petition to Revive stating that Applicant’s failure to respond was unintentional. On information and belief, Applicant’s failure to respond to the Office Action was not unintentional, particularly since this was the second time she failed to respond. Attached hereto as Exhibit I are copies of Applicant’s June 9 and August 16, 2006 correspondence to the PTO.

29. Applicant's Mark is identical to ABCCMM's Mark and is alleged to be used to certify the identical goods, namely horses.

30. Accordingly, Applicant's Mark, when used to certify horses, so resembles ABCCMM's Mark as to cause confusion or mistake, or to deceive as to the certifier of the goods, with consequent injury to ABCCMM, Opposer and the public.

31. If granted the registration herein requested by Applicant, Applicant will refuse to certify horses belonging to or imported by certain persons or entities whose horses would otherwise qualify for certification.

32. If granted the registration herein requested by Applicant, Applicant will restrict Opposer and other U.S. entities from importing certified Mangalarga Marchador horses to the U.S., injuring Opposer, the ABCCMM and such other U.S. entities. In fact, Applicant has already threatened U.S. individuals with impoundment of any horse with the M brand being brought into the United States and has filed a false registration certificate for the Mark with the U.S. Customs Service.

33. If the Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of the Mark. Such registration would be a source of damage and injury to Opposer, the ABCCMM and the public.

WHEREFORE, Opposer believes that it would be damaged by registration of Applicant's Mark and prays that this opposition be sustained and registration for Sielbeck's Application be denied.

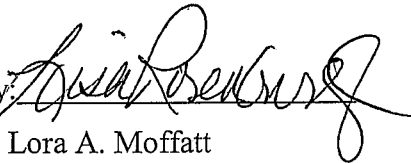
Please recognize as attorneys for Opposer Lora A. Moffatt, Esq., Lisa Rosenburgh, Esq. and Alison Naidech, Esq., and the firm of Salans, Rockefeller Center, 620

Fifth Avenue, New York, New York 10020. Please address all communications to Lora A.

Moffatt, Esq. of said firm.

Dated: New York, New York
March 26, 2007

SALANS

By: 

Lora A. Moffatt

Lisa Rosenburgh

Alison Naidech

Rockefeller Center

620 Fifth Avenue

New York, NY 10020

Phone: (212) 632-5500

Fax: (212) 632-5555

Attorneys for Opposer

MONTANA MANGALARGA

MARCHADORS LLC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 7678364866
For the mark M and Design
Published in the Official Gazette on December 5, 2006

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MONTANA MANGALARGA MARCHADORS LLC, :

Opposer, :

v. : Opposition No.

MARSHA K. SIELBECK, :

Applicant. :

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EXHIBIT A

By: SALANS
Lora A. Moffatt
Lisa Rosenburgh
Alison Naidech
Rockefeller Center
620 Fifth Avenue
New York, NY 10020
Phone: (212) 632-5500
Fax: (212) 632-5555

Attorneys for Opposer
MONTANA MANGALARGA
MARCHADORS LLC

SEP-02-2004 13:20

U.S.D.A. VET SERVICES

310 725 9119

P.03



January 7, 2004

Chief, Intellectual Property Rights Branch
Office of Regulations and Ruling
U.S. Customs Service
Room 3.4A
1300 Pennsylvania Avenue NW
Washington, D.C. 20229

RE: Marsha Sielbeck-Holloway
Mangalarga Marchador Horse Association of America, Inc.
Premier International Farms, LLC
US Trademark #'s 2519915, 2518883, 2521427
8250 NW 136th Avenue Road
Ocala, Florida 34482
USA Citizenship

Former Address:
3367 Charter Oak Drive
Maumee, Ohio 43536
USA Citizenship

To Whom it May Concern:

Please register the referenced trademarked intellectual property to the U.S. Customs database and import alert /watch list. Enclosed is my \$190 for registration.

Attached you will find a copy of US Trademark #'s 2519915, 2518883 & 2521427 that registers our U.S. trademark of a 3" freeze iron brand of a "M" within a horseshoe, that opens at the bottom and is placed on the right shoulder of all genuine Mangalarga Marchador horses imported into the United States, primarily from Brazil. (Other likely countries are Canada, Mexico and Germany.)



LOCATED ON THE RIGHT SHOULDER OF LIVE ANIMAL/HORSES if it is a genuine Mangalarga Marchador.

It is my understanding that I must identify what persons and/or companies that are authorized to use the trademark. Those persons authorized to use the trademark or import goods bearing the trademark are Marsha Sielbeck-Holloway and Octavio Orta. The only companies authorized to use the trademark are Premier International Farms, L.L.C. and Regal Legacy Horse Farms, Inc. who are importers of this breed. Absolutely no other persons or companies (including name variations of those listed) are authorized in any capacity to use these intellectual property rights.

The authorized importing addresses of the goods bearing the trademark are:
8250 NW 136th Avenue Road, Ocala, Florida 34482 and 4304 NE Hearst Drive, Atlanta, Georgia 30319.

SEP-02-2004 13:20

U.S.D.A. VET SERVICES

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P.04

Currently we have cause to suspect that unauthorized importing is imminiate by U.S. breeders and Brazilian breeders trying to infringe on our trademark rights by importing Mangalarga Marchador Horses from Brazil into one of the U.S. Custom Ports of Entry, Miami or Los Angeles and possibly New York by air cargo.

The parties to be placed on the Customs Alert List are:

Dr. Holm and Susan Neuman (working with a Jeronimo Mesquite in Brazil)
Neumann Ranch
16825 Delicious St.
Bend, OR 97701

Lucas or Christiana Guerra
M.M. Horse Farms or Pegasus Equestrian Center
18200 SW 154th St.
Miami, FL 33187
www.mmhorsefarms.com

John and Lynn Kelley
Summerwind Marchadors
31613 136th St.
Scottsdale, Arizona, 85262

Stuart Braun or Nathan S. Bar-On, Bruno Carneiro
55 Mockingbird Lane
Sedona, Arizona

Clint Surplus
14260 SW Riggs Rd.
Powell Butte, OR 97753

Lois March
Marchwind Farms
P.O. Box 5609
Cordele, Georgia 31010

Tressa Smith and Tia Nelson
Lazy T Ranch
P.O. Box 27
Boulder, MT 59632

Bill Kambic
Bright Star Horse Farm
673 Buck Creek Road
Kingston, TN 37763

Constance C. Spurr
PO Box 3041
Ocala, FL 34478

Carol Jean Long
1749 SE 59th St.
Ocala, FL 34480

Peter and Lori Silcher
P.O. Box 1586
Hamilton, MT, 59840

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SEP-02-2004 13:21

U.S.D.A. VET SERVICES

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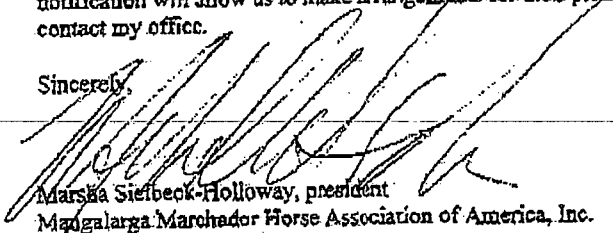
P.05

Theresa Longo, M.D.
Jacob Martinez
Rancho De Los Cielos
17575 Wicker Way
Riverside, CA 92504

Jeronimo Mesquita
HorseShare, Inc.
El Campo Real

We kindly request that we are immediately notified by fax, email or phone if any Mangalarga Marchador horses arrive into quarantine in order to confirm their authorization for entry into the United States. Should they not be authorized, your immediate notification will allow us to make arrangements for their pick-up and care. Should you have any questions please do not hesitate to contact my office.

Sincerely,



Marsha Siebeck-Holloway, president
Mangalarga Marchador Horse Association of America, Inc.
Premier International Farms, LLC
Regal Legacy Horse Farms, Inc.
Phone: 352.368.5786
Fax: 352.368.5846
Email: msiebeck@us-premier.com

09/02/2004

09/02/2004 14:19 FAX

A-3

4

The United States of America



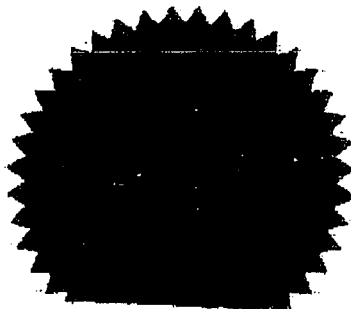
CERTIFICATE OF REGISTRATION SUPPLEMENTAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



Int. CL: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,521,427

Registered Dec. 18, 2001

**SERVICE MARK
SUPPLEMENTAL REGISTER**

MANGALARGA MARCHADOR HORSE REGISTRY OF AMERICA

MANGALARGA MARCHADOR HORSE ASSO-
CIATION OF AMERICA (OHIO CORPORA-
TION)

3367 CHARTER OAK DRIVE
MAUMEE, OH 43537

FOR: HORSE REGISTRATION SERVICES;
NAMES: REGISTERING MANGALARGA
MARCHADOR HORSE OWNERSHIPS AND MAIN-

TAINING A REGISTER THEREOF, IN CLASS 42
(U.S. CLS. 100 AND 101).

FIRST USE 9-1-2000; IN COMMERCE 9-1-2000.

SER. NO. 76-209,473, FILED P.R. 2-14-2001; AM. S.R.
5-29-2001.

DAVID ELTON, EXAMINING ATTORNEY

SEP-02-2004 13:21

U.S.D.A. VET SERVICES

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P.08

The United States of America



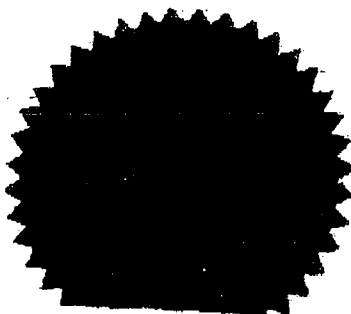
CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



Nicholas P. Cordia

Acting Director of the United States Patent and Trademark Office

02/13/2004 14:19 FAX

OTA/NOPL

A6

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SEP-02-2004 13:22

U.S.D.A. VET SERVICES

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P.09

JAN-02-2004 01:33P FROM:LINN HULST 160 643 9092

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P:2

Int. CL: 42**Prior U.S. Ch.: 100-101****United States Patent and Trademark Office****Reg. No. 2,519,915****Registered Dec. 18, 2001****SERVICE MARK**
Principal Register

MANGALARGA MARCHADOR HORSE ASSOCIATION OF AMERICA (OHIO CORPORATION)
3367 CHARTER OAK DRIVE
MAUMEE, OH 43536

FOR: 3" FREEZE IRON BRAND ON THE
RIGHT SHOULDER OF MANGALARGA
MARCHADOR HORSES. THIS BRAND IS
PLACED ON REGISTERED MANGALARGA
MARCHADOR HORSES AND WEEN

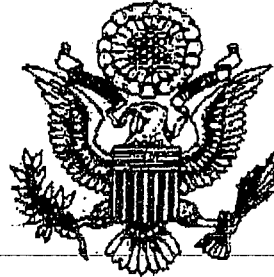
PLACED ON REGISTERED MANGALARGA
MARCHADOR HORSES RECOGNIZES PURITY,
GENETIC TESTING AND SPECIFIC STANDARDS
OF THE BREED IN CLASS 42 (U.S. CLS. 100
AND 101)

FIRST USE 9-1-2000; IN COMMERCE 9-1-2000

SER. NO. 76-289,467, FILED 2-14-2001

DAVID ELTON, EXAMINING ATTORNEY

The United States of America



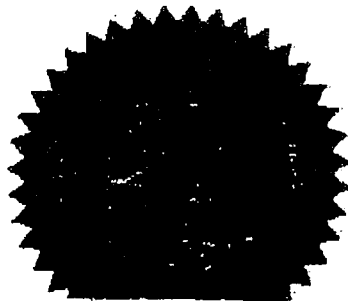
CERTIFICATE OF REGISTRATION SUPPLEMENTAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



Int. Cl: 42

Prior U.S. Cls: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,518,883

Registered Dec. 11, 2001

**SERVICE MARK
SUPPLEMENTAL REGISTER**

MANGALARGA MARCHADOR HORSE ASSOCIATION OF AMERICA

MANGALARGA MARCHADOR HORSE ASSO-
CIATION OF AMERICA (OHIO CORPORA-
TION)

3367 CHARTER OAK DRIVE
MAUMEE, OH 43537

FIRST USE 9-1-2000; IN COMMERCE 9-1-2000.

SER. NO. 76-209,471, FILED P.R. 2-14-2001; AM.S.R.
5-29-2001.

FOR: ASSOCIATION SERVICES, NAMELY, PRO-
MOTING THE INTERESTS OF OWNERS AND
BREEDERS OF MANGALARGA MARCHADOR
HORSES, IN CLASS 42 (U.S. CLS. 100 AND 101).

DAVID ELTON, EXAMINING ATTORNEY

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Word Mark	MMHAA
Goods and Services	IC 042. US 100 101. G & S: Association services; namely; promoting the interests of owners and breeders of Mangalarga Marchador horses. FIRST USE: 20000901. FIRST USE IN COMMERCE: 20000901
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76209467
Filing Date	February 14, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 25, 2001
Registration Number	2519915
Registration Date	December 18, 2001
Owner	(REGISTRANT) Mangalarga Marchador Horse Association of America CORPORATION OHIO 3367 Charter Oak Drive Maumee OHIO 43537
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 7678364866

For the mark M and Design

Published in the Official Gazette on December 5, 2006

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v. : Opposition No.

MARSHA K. SIELBECK, :

Applicant. :
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EXHIBIT B

By: SALANS
Lora A. Moffatt
Lisa Rosenburgh
Alison Naidech
Rockefeller Center
620 Fifth Avenue
New York, NY 10020
Phone: (212) 632-5500
Fax: (212) 632-5555

Attorneys for Opposer
MONTANA MANGALARGA
MARCHADORS LLC



United States Patent and Trademark Office

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Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	MMHAA
Goods and Services	IC 042. US 100 101. G & S: Association services; namely; promoting the interests of owners and breeders of Mangalarga Marchador horses. FIRST USE: 20000901. FIRST USE IN COMMERCE: 20000901
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76209467
Filing Date	February 14, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 25, 2001
Registration Number	2519915
Registration Date	December 18, 2001
Owner	(REGISTRANT) Mangalarga Marchador Horse Association of America CORPORATION OHIO 3367 Charter Oak Drive Maumee OHIO 43537
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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620 Fifth Avenue
New York, NY 10020
Phone: (212) 632-5500
Fax: (212) 632-5555

Attorneys for Opposer
MONTANA MANGALARGA
MARCHADORS LLC

Certificado de Registro de Marca N°

810998408



O Instituto Nacional da Propriedade Industrial, para garantia da propriedade e do uso exclusivo, certifica que, nos termos das normas legais e regulamentares em vigor, efetuou a PRORROGAÇÃO do registro da marca acima reproduzida, mediante as seguintes características e condições:

Especif. dos Prod./Serv. :

Cartório Amarel 5º Ofício de Notas
ANILAIS, JAVOS
RUA JOÃO PINHEIRO, 152 - BELO HORIZONTE
PABX: (31) 3224-2303 - FAX: 3224-4001

Conferida e achada conforme o original exibido. Dou fé.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Hts D JUL. 2001	Carlos A. F. Amarel	Roberto F. Amarel	Regina F. Amarel	Isabel Randone da Silva	Anna M. Castanheira
Em test. <i>[assinatura]</i> da verdade.					S. Brian Sousa Mello

Classe-Produtos/Serviços : 22 . 10

Observações : MARCA FIGURATIVA.

Registro anterior : Número 810998408

Prazo de Validade : 10 (dez) anos a partir de 08/05/94

Titular : ASSOC BRASI DOS CRIADOS DO CAVALO N MARCHADOR

CBC/CPF/N INPI : 17217001000195

Endereço : RUA Lograd. : GOITACAZES
Compl. : 13 ANDAR
Municip. : BELO HORIZONTE

Num. : 14 Cep : 30190
Bairro : CENTRO
UF : MG País : BR

Rio de Janeiro, 23 de Agosto de 1994

[assinatura] *[assinatura]*

DISPOSIÇÕES MAIS IMPORTANTES, PREVISTAS NO CÓDIGO DA
PROPRIEDADE INDUSTRIAL (LEI Nº 5.772/71)

Art. 61, parágrafo único — "A marca genérica só poderá ser usada quando acompanhada de marca específica".

Art. 81 — "A marca destinada a distinguir produto farmacêutico ou veterinário só poderá ser usada com a marca genérica a que se refere o art. 61 deste Código, e com igual destaque".

Art. 84 — "Não terá a proteção assegurada por este Código a marca ou expressão ou sinal de propaganda que for usado com modificação ou alteração dos seus elementos característicos, constantes do certificado de registro".

Art. 85 — "O registro da marca ou de expressão ou sinal de propaganda vigorará, pelo prazo de dez anos, contado da data da expedição do certificado, podendo esse prazo ser prorrogado por períodos iguais e sucessivos".

Art. 90 — "O titular da marca ou expressão ou sinal de propaganda poderá autorizar o seu uso por terceiros devidamente estabelecidos, mediante contrato de exploração que conterà o número do pedido ou do registro e as condições de remuneração, bem como a obrigação de o titular exercer controle efetivo sobre as especificações, natureza e qualidade dos respectivos artigos ou serviços".

§ 1º _____

§ 2º _____

§ 3º — "O Contrato de exploração, bem como suas renovações ou prorrogações só produzirão efeito em relação a terceiros depois de julgados conforme e averbados pelo Instituto Nacional da Propriedade Industrial".

Art. 94 — "Salvo motivo de força maior, caducará o registro, "ex-officio" ou mediante requerimento de qualquer interessado, quando o seu uso não tiver sido iniciado no Brasil dentro de dois anos contados da concessão do registro, ou se for interrompido por mais de dois anos consecutivos".

Art. 115 — "Quando o interessado não requerer pessoalmente, a petição ou o processo será instruído com procuração contendo os poderes necessários, traslado, certidão ou fotocópia autenticada do instrumento, dispensada a legalização da procuração".

§ 1º _____

§ 2º — "Salvo o disposto no art. 116, depois de concedido o registro ou a patente, decorridos dois anos da outorga do mandato, o procurador somente poderá proceder mediante novo instrumento, traslado ou certidão atualizados".

Art. 116 — "A pessoa domiciliada no estrangeiro deverá constituir e manter procurador, devidamente qualificado e domiciliado no Brasil, com poderes para representá-la e receber citações judiciais relativas aos assuntos atinentes à Propriedade Industrial, desde a data do depósito e durante a vigência do privilégio ou do registro".

Cartório Amaral 5º Ofício de Notas
AV. JOÃO PINHEIRO, 162 - BELO HORIZONTE
FAX: (31) 3224-2303 - FAX: 3224-4003

Conferida e achada conforme o original exibido.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Hte.	Artos A. F. Amaral	Isabel F. Amaral	Regina F. Amaral	Isabel F. Amaral	Regina F. Amaral
Em test. da verdade.	Isabel F. Amaral	Regina F. Amaral	Isabel F. Amaral	Regina F. Amaral	Regina F. Amaral

Certificado de Registro de Marca N° 811694720

" MANGALARGA MARCHADOR "

O Instituto Nacional da Propriedade Industrial, para garantia da propriedade e do uso exclusivo, certifica que, nos termos das normas legais e regulamentares em vigor, efetuou a PRORROGAÇÃO do registro da marca acima reproduzida, mediante as seguintes características e condições:

Especif. dos Prod./Serv. : JORNAIS, REVISTAS E PUBLICAÇÕES PERIÓDICAS EM GERAL.

Carônio Amarel S^a Ofício de Notar
AV. JOÃO PINHEIRO, 152 - SELO HORIZONTE
PABX: (31) 3224-2303 - FAX: 3224-4001

Conferida e achada conforme o original exibido. Dou fé.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Hta. 30 JUL. 2001	Carlos A. F. Amarel	Isabel F. Amarel	Regina F. Amarel	João Montello do Souto	Vina M. Castanheira
Em test ^o <i>[assinatura]</i> da verdade.				Edmara Sousa Melo	

Classe-Produtos/Serviços : 11 . 10

Observações : MARCA NOMINATIVA.

Registro anterior : Número 811694720

Prazo de Validade : 10 (dez) anos a partir de 03/12/95

Titular : ASSOC BRASI DOS CRIADOS DO CAVALO M MARCHADOR

CBC/CPF/N INPI : 17217001000195

Endereço : RUA Lograd. : GOITACAZES
Compl. : 13 ANDAR
Municip. : SELO HORIZONTE

Nun. : 14 Cep : 38190
Bairro : CENTRO
UF : MG País : BR

20 de Janeiro, 1 de Março de 1995

Mauro Pias *[assinatura]*

**DISPOSIÇÕES LEGAIS IMPORTANTES, PREVISTAS NO CÓDIGO DA
PROPRIEDADE INDUSTRIAL (LEI Nº 5.772/71)**

Art. 61, parágrafo único — "A marca genérica só poderá ser usada quando acompanhada de marca específica".

Art. 81 — "A marca destinada a distinguir produto farmacêutico ou veterinário só poderá ser usada com a marca genérica a que se refere o art. 61 deste Código, e com igual destaque".

Art. 84 — "Não terá a proteção assegurada por este Código a marca ou expressão ou sinal de propaganda que for usado com modificação ou alteração dos seus elementos característicos, constantes do certificado de registro".

Art. 85 — "O registro de marca ou de expressão ou sinal de propaganda vigorará, pelo prazo de dez anos, contado da data da expedição do certificado, podendo esse prazo ser prorrogado por períodos iguais e sucessivos".

Art. 90 — "O titular de marca ou expressão ou sinal de propaganda poderá autorizar o seu uso por terceiros devidamente estabelecidos, mediante contrato de exploração que conterá o número do pedido ou do registro e as condições de remuneração, bem como a obrigação de o titular exercer controle efetivo sobre as especificações, natureza e qualidade dos respectivos artigos ou serviços".

§ 1º _____

§ 2º _____

§ 3º — "O Contrato de exploração, bem como suas renovações ou prorrogações só produzirão efeito em relação a terceiros depois de julgados conforme e averbados pelo Instituto Nacional da Propriedade Industrial".

Art. 94 — "Salvo motivo de força maior, caducará o registro, "ex-officio" ou mediante requerimento de qualquer interessado, quando o seu uso não tiver sido iniciado no Brasil dentro de dois anos contados da concessão do registro, ou se for interrompido por mais de dois anos consecutivos".

Art. 115 — "Quando o interessado não requerer pessoalmente, a petição ou o processo será instruído com procuração contendo os poderes necessários, traslado, certidão ou fotocópia autenticada do instrumento, dispensada a legalização da procuração".

§ 1º _____

§ 2º — "Salvo o disposto no art. 116, depois de concedido o registro ou a patente, decorridos dois anos da outorga do mandato, o procurador somente poderá proceder mediante novo instrumento, traslado ou certidão atualizados".

Art. 116 — "A pessoa domiciliada no estrangeiro deverá constituir e manter procurador, devidamente qualificado e domiciliado no Brasil, com poderes para representá-la e receber citações judiciais relativas aos assuntos atinentes à Propriedade Industrial, desde a data do depósito e durante a vigência do privilégio ou do registro".

ORÇÃO DO INPI
AV. JOÃO PINHEIRO, 152 - BELO HORIZONTE
PABX: (31) 3224-2303 - FAX: 3224-4000

Conferida e achada conforme o original exibido. Em 16 de 2001	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Hte.	Carlos A. F. Amaral	Isabel F. Amaral	Regina F. Amaral	Reg. Henrique de Souza	Yvina H. Castanheira
Em teste _____ da verdade.					Francisca Sousa Melo

7

DISPOSIÇÕES LEGAIS IMPORTANTES, PREVISTAS NO CÓDIGO DA
PROPRIEDADE INDUSTRIAL (LEI Nº 5.772/71)

Art. 61, parágrafo único — "A marca genérica só poderá ser usada quando acompanhada de marca específica".

Art. 81 — "A marca destinada a distinguir produto farmacêutico ou veterinário só poderá ser usada com a marca genérica a que se refere o art. 61 deste Código, e com igual destaque".

Art. 84 — "Não terá a proteção assegurada por este Código a marca ou expressão ou sinal de propaganda que for usado com modificação ou alteração dos seus elementos característicos, constantes do certificado de registro".

Art. 85 — "O registro de marca ou de expressão ou sinal de propaganda vigorará, pelo prazo de dez anos, contado da data da expedição do certificado, podendo esse prazo ser prorrogado por períodos iguais e sucessivos".

Art. 90 — "O titular de marca ou expressão ou sinal de propaganda poderá autorizar o seu uso por terceiros devidamente estabelecidos, mediante contrato de exploração que conterá o número do pedido ou do registro e as condições de remuneração, bem como a obrigação de o titular exercer controle efetivo sobre as especificações, natureza e qualidade dos respectivos artigos ou serviços".

§ 1º _____

§ 2º _____

§ 3º — "O Contrato de exploração, bem como suas renovações ou prorrogações só produzirão efeito em relação a terceiros depois de julgados conforme e averbados pelo Instituto Nacional da Propriedade Industrial".

Art. 94 — "Salvo motivo de força maior, caducará o registro, "ex-officio" ou mediante requerimento de qualquer interessado, quando o seu uso não tiver sido iniciado no Brasil dentro de dois anos contados da concessão do registro, ou se for interrompido por mais de dois anos consecutivos".

Art. 115 — "Quando o interessado não requerer pessoalmente, a petição ou o processo será instruído com procuração contendo os poderes necessários, traslado, certidão ou fotocópia autenticada do instrumento, dispensada a legalização da procuração".

§ 1º _____

§ 2º — "Salvo o disposto no art. 116, depois de concedido o registro ou a patente, decorridos dois anos da outorga do mandato, o procurador somente poderá proceder mediante novo instrumento, traslado ou certidão atualizados".

Art. 116 — "A pessoa domiciliada no estrangeiro deverá constituir e manter procurador, devidamente qualificado e domiciliado no Brasil, com poderes para representá-la e receber citações judiciais relativas aos assuntos atinentes à Propriedade Industrial, desde a data do depósito e durante a vigência do privilégio ou do registro".

7

Conferida e achada conforme o original exibido. 30- Set. 2001	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Hta.	Carlos A. F. Amaral	Isabel F. Amaral	Luiz F. Amaral	Luiz F. Amaral	Luiz F. Amaral
Em teste da verdade.	Luiz F. Amaral	Luiz F. Amaral	Luiz F. Amaral	Luiz F. Amaral	Luiz F. Amaral

AV. JOÃO PINHEIRO, 152 - BELA VISTA
FABR: (31) 3224-2303 - FAX: 3224-400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 7678364866

For the mark M and Design

Published in the Official Gazette on December 5, 2006

-----X
MONTANA MANGALARGA MARCHADORS LLC, :

Opposer, :

v. : Opposition No.

MARSHA K. SIELBECK, :

Applicant. :
-----X

EXHIBIT D

By: SALANS
Lora A. Moffatt
Lisa Rosenburgh
Alison Naidech
Rockefeller Center
620 Fifth Avenue
New York, NY 10020
Phone: (212) 632-5500
Fax: (212) 632-5555

Attorneys for Opposer
MONTANA MANGALARGA
MARCHADORS LLC

Trademark/Service Mark Application, Principal Register

Serial Number: 78364866

Filing Date: 02/09/2004

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK FILE NAME	\\tirs\EXPORT9\IMAGEOUT9\783\648\78364866\xml1\AP-P0002.JPG
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR MARK	YES
COLOR(S) CLAIMED	The color(s) 3" Freeze Iron Brand on the right shoulder of Mangalarga Marchador Horses. This brand is placed on registered Mangalarga Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed. is/are claimed as a distinctive feature of the mark.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	350 x 263
OWNER SECTION	
NAME	Sielbeck, Marsha K./
STREET	8250 NW 136th Avenue Road
CITY	Ocala
STATE	FL
ZIP/POSTAL CODE	34482
COUNTRY	USA
PHONE	352-368-5629
FAX	352-368-5846
EMAIL	msielbeck@us-premier.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	
TYPE	INDIVIDUAL
COUNTRY OF CITIZENSHIP	USA
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	006
DESCRIPTION	Mangalarga Marchador Freeze Iron Brand consisting of a bold horseshoe with a bold M in the center.

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/06/2001
FIRST USE IN COMMERCE DATE	At least as early as 03/06/2001
SPECIMEN FILE NAME(S)	\\tirs\EXPORT9\IMAGEOUT9\783\648\78364866\xml1\AP P0003.JPG
SPECIMEN DESCRIPTION	A photograph of the brand on a horse.
SIGNATURE SECTION	
SIGNATURE	/Marsha K. Sielbeck/
SIGNATORY NAME	Marsha K. Sielbeck
SIGNATORY DATE	02/09/2004
SIGNATORY POSITION	President
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
CORRESPONDENCE SECTION	
NAME	Sielbeck, Marsha K./
STREET	8250 NW 136th Avenue Road
CITY	Ocala
STATE	FL
ZIP/POSTAL CODE	34482
COUNTRY	USA
EMAIL	msielbeck@us-premier.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Mon Feb 09 15:05:59 EST 2004
TEAS STAMP	USPTO/BAS-6682922-2004020 9150559009327-78364866-20 0d9b24cd4d1785ba7ce196e24 42339e4-CC-62-20040209145 956254366

Trademark/Service Mark Application, Principal Register

Serial Number: 78364866

Filing Date: 02/09/2004

To the Commissioner for Trademarks:

MARK: (Stylized and/or Design, see mark)

The color(s) 3" Freeze Iron Brand on the right shoulder of Mangalarga Marchador Horses. This brand is placed on registered Mangalarga Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed. is/are claimed as a distinctive feature of the mark.

The applicant, Marsha K./ Sielbeck, a citizen of USA, residing at 8250 NW 136th Avenue Road, Ocala, FL, USA, 34482, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 006: Mangalarga Marchador Freeze Iron Brand consisting of a bold horseshoe with a bold M in the center.

~~In International Class 006, the mark was first used at least as early as 03/06/2001, and first used in commerce at least as early as 03/06/2001, and is now in use in such commerce. The applicant is submitting or will submit one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) A photograph of the brand on a horse..~~

Specimen - 1

The USPTO is authorized to communicate with the applicant or its representative at the following email address: msielbeck@us-premier.com. A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Marsha K. Sielbeck/ Date: 02/09/2004

Signatory's Name: Marsha K. Sielbeck

Signatory's Position: President

Mailing Address:

Sielbeck, Marsha K./

8250 NW 136th Avenue Road

Ocala, FL 34482

RAM Sale Number: 62

RAM Accounting Date: 02/10/2004

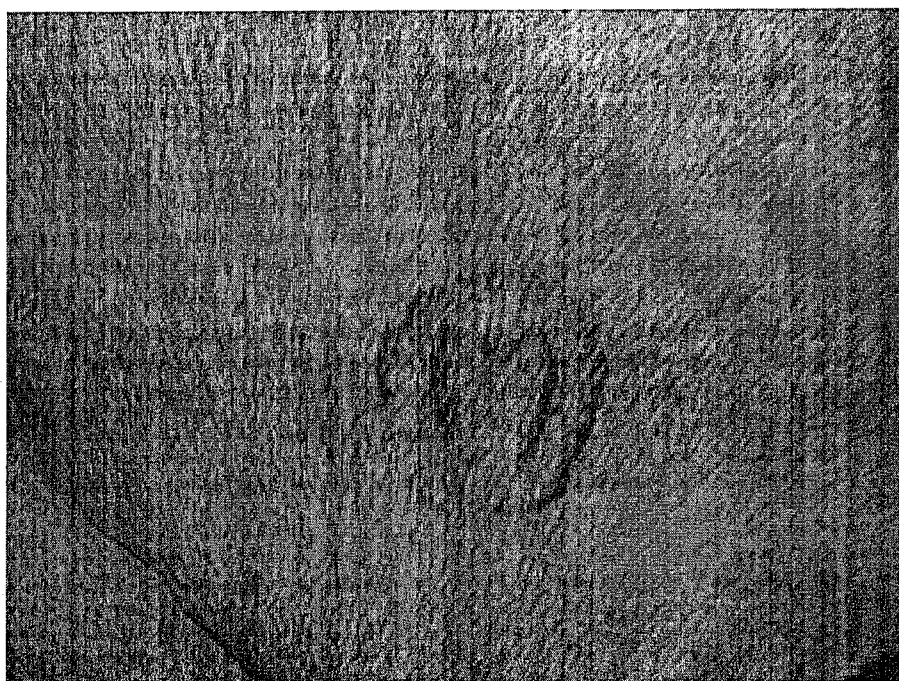
Serial Number: 78364866

Internet Transmission Date: Mon Feb 09 15:05:59 EST 2004

TEAS Stamp: USPTO/BAS-6682922-20040209150559009327-7

8364866-200d9b24cd4d1785ba7ce196e2442339

e4-CC-62-20040209145956254366





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 7678364866
For the mark M and Design
Published in the Official Gazette on December 5, 2006

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MONTANA MANGALARGA MARCHADORS LLC, :

Opposer, :

v. : Opposition No.

MARSHA K. SIELBECK, :

Applicant. :

-----X

EXHIBIT E

By: SALANS
Lora A. Moffatt
Lisa Rosenburgh
Alison Naidech
Rockefeller Center
620 Fifth Avenue
New York, NY 10020
Phone: (212) 632-5500
Fax: (212) 632-5555

Attorneys for Opposer
MONTANA MANGALARGA
MARCHADORS LLC

Atlanta Business Chronicle - January 14, 2002
<http://atlanta.bizjournals.com/atlanta/stories/2002/01/14/story6.html>



BUSINESS PULSE SURVEY: March Madness and the Atlanta sports scene

Marketing the Porsche of horses

Atlanta Business Chronicle - January 11, 2002 by Jim Lovel Staff Writer

When Regal Legacy Horse Farms Inc. introduced Mangalarga Marchador horses to the nation last year, it also introduced a new way to market horses.

The owners of the farm, Tony Orta of Atlanta and Marsha Sielbeck of Toledo, Ohio, sent out thousands of press releases, bought full-page ads in trade journals, purchased space on billboards, formed an association to represent the new breed and built an elaborate headquarters for its offices.

Orta and Sielbeck also registered a trademark for the horses, something the federal government had never granted to a live animal, said Dean Weaver, an attorney specializing in equine law who serves as the company's general counsel. The trademark protects the purity of the breed and the company's control of its distribution, Weaver said.

Even when doing the more traditional promotion of taking the Brazilian horses to equestrian shows, Orta and Sielbeck wear suits instead of jeans. The literature they distribute about the horse is printed on the finest paper they can find.

"It's like someone displaying a Porsche," Sielbeck, president of Regal Legacy Farms, said. "It's the elite class."

Mangalarga Marchador horses can cost more than a Porsche. Although the average price of the horses has ranged between \$30,000 and \$40,000, she said she is asking \$250,000 for one of the horses currently in her stable. For \$20 million, she will import the horse that has been the champion of the breed in Brazil for the past 10 years.

"We are selling a luxury product," said Orta, co-founder of the company and vice president of its international operations. "It's all about style and grace."

The Mangalarga Marchador horses were originally bred for the king of Portugal, D. Joao V, in 1740, to provide a smooth ride for royalty. They were introduced in Brazil in 1808 when King D. Joao VI fled to the Portuguese colony to avoid Napoleon's armies.

The horse flourished there and now is the national horse of Brazil, with more than 10,000 breeders and 200,000 registered horses in that country. In 1994, a Mangalarga Marchador horse set an endurance record by carrying its rider 8,694 miles in a ride that lasted 18 months, a feat included in the Guinness Book of World Records.

Regal Legacy Farms has sold 17 of the 30 horses it has imported since May, Sielbeck said. Three of the horses are on Orta's ranch near Talking Rock, Ga., in Pickens County, north of Atlanta, and the rest are stabled on Sielbeck's ranch near Toledo. The company also has videos of more than 1,000 of the horses that it can import from Brazil and deliver to a buyer, she said.

Creating a franchise

The company is doing more than just selling the horses. It is selling franchises in each state. Each franchisee will be a distributor who can buy the horses wholesale from Regal Legacy Farms and sell them retail. Franchise fees range from \$10,000 to \$50,000, depending on the market area, Orta said. The company already has franchisees in California, Ohio, West Virginia, Arizona and Georgia, he said.

The innovations won Orta the 2001 Allan J. McDonald Award from the Society of International Business Fellows, an elite group of 500 senior executives from companies involved in international business, said Nancy Haselden, director of operations for the Atlanta-based nonprofit organization. She said the award honors outstanding international entrepreneurial efforts. Orta has been a member of the organization since 1996, Haselden said.

Every aspect of introducing the Mangalarga Marchador horses has required innovation, Orta said. Federal law requires horses be quarantined and pass a series of rigorous tests before entering the country. Orta overcame that obstacle by imposing his own quarantine and testing of the horses before they are inspected by the federal government, he said. None of the horses have failed the federal inspection, he said.

Then there was the reluctance of Brazilian breeders to share the horse outside their borders, he said. The Mangalarga Marchador is a source of national pride in Brazil and is valued for its smooth gait, endurance, intelligence, versatility and gentle temperament. Brazilian horse breeders have always controlled breeding to protect those traits, he said.

Brazilian contacts

Orta, a native of Cuba and former champion equestrian, had lived in Brazil for five years as an executive with the Meade Corp. and used his contacts there to convince the Brazilian breeders to allow him to bring the horses to the United States.

All the preparations took almost a year and \$1 million before the first six horses entered the country, Orta said. It still costs his company about \$10,000 to get each horse from Brazil to its final destination, he said.

Only one of the horses has been born in the United States, he said. The black stallion was born Sept. 11 to a mare that was already pregnant when she entered the country. Orta named the horse Liberdade, which is Portuguese for "freedom," because of the terrorist attacks that day.

Jim Gibby, president of the Georgia Horse Council, said he has seen Orta with the horse at equine shows and has been impressed with the animal and Orta's marketing of it.

"It's really amazing," Gibby said. "They have marketed it well. It's quite a breed."

Orta is scheduled to show the horse again Jan. 12 and 13 at the annual Georgia Horse Fair the council sponsors at the Georgia National Fairgrounds and Agricenter in Perry, Ga., Gibby said.

The company plans to import at least 30 more horses this year and expects annual sales to reach at least \$700,000, he said.

The company also plans to sell riding equipment, apparel and related products, all bearing the trademark of the horses, from its Mangalarga Marchador Horse Association of America headquarters in Toledo, he said.

The association also publishes a newsletter about the horses. The first issue was printed last summer and a second issue is planned by the end of the first quarter, he said.

"We introduced a virtually unknown product and we believe it has significant growth potential," he said.

Reach Lovel at jlovel@bizjournals.com.

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[Return to Mangalarga Marchador Main Page](#)

Meet the Mangalarga Marchador

The Mangalarga Marchador originated in Brazil in the early 19th Century, but its roots lie in the turbulence of the Napoleonic Wars.

In 1807 Napoleon invaded the Iberian Peninsula and installed his brother as King of Spain. His forces also invaded Portugal (a long time ally of Great Britain), forcing the King, D. Joao VI, and the Royal Family to flee to Brazil, then a Portuguese colony. When they left Portugal, they took with them the best horses from the Royal Alter stud, which had an international reputation as a breeder of fine horses of Andalusian blood.

In 1812 Prince Pedro I presented a young stallion named SUBLIME to his friend, Gabriel Francisco Junqueira, Baron of Aldenas and owner of the Hacienda-Campo-Alegre near Belo Horizonte, in Minas Gerais, Brazil.

SUBLIME was bred to native mares of Spanish Jennet and Barb blood, many of which were fast amblers. The get of these breedings were called "Sublime horses." Later, the Hacienda Mangalarga acquired stock from Campo Alegre and awakened interest in the horse among local ranchers. They quickly saw the advantages of the smooth, cadenced, and rhythmic gait, the "marcha", and the horses were soon known as "Mangalarga Marchadors."

Other selective breeding programs were soon established and it is said that there has been no incrossing to the rootstock for more than 180 years. The first breed association, the Associaçao dos Criadores do Cavalo Marchador de Raca Mangalarga, was formed in 1949 in Belo Horizonte, with the goals of setting breed standards, and promoting and distinguishing the Mangalarga Marchador as a unique breed, principally with regard to its gait. The group is now called the Associaçao Brasileira dos Criadores do Cavalo Mangalarga Marchador (ABCCMM).

A detailed breed standard sets the rules for the Mangalarga Marchador. The modern Marchador horse averages just over 15 hands, and weighs between 900 and 1100 pounds. Most colors are represented in the breed, with grays, bays, and chestnuts predominating. The breed is well known for its keen intelligence, docile nature, tremendous stamina, and impressive presence.

The gait of the Mangalarga Marchador is its hallmark. **Unlike many gaited breeds, where a "cookie cutter" approach is used to judge gait quality, the Marchador horse can present with any one of three broad gait categories:** the "marcha picada" (a lateral gait, ranging from a somewhat pacy running walk to a pace similar to the Icelandic flying pace); the "marcha batida" (a diagonal gait similar to the foxtrot or Peruvian trocha) and the "center march" (very close to the classic running walk of the Tennessee Walkers of the 1930s or early '40s).

The Marchador horse is capable of performing many tasks well. In Brazil the horse performs ranch tasks (cutting, working cattle, etc.). The laterally gaited types were commonly used as "town horses" in the days before the widespread availability of motor transport, and are still popular today as trail horses. The diagonally gaited stock is known for its stamina, agility, and ability to handle rough terrain. They are used by Brazilian Fox Hunters. The sport of "coursing deer" often requires the horses travel 150 miles in three days over a wide variety of terrain. And, according to the Brazilian Eduro web page, the top endurance horse in Brazil in 1997 was a Marchador (even though more than 80% of the total horses are Arabians, Anglo-Arabians, or Arabian crosses).

To maintain quality, the ABCCMM mandates inspection of stock prior to permanent registration. Temporary papers are issued to a foal at birth, but permanent registration is not granted until the horses are inspected at not

younger than three years of age for conformation, gait, and temperament. Technicians licensed by the Ministry of Agriculture conduct these inspections.

Permanent registration is not granted until the horses are inspected at not younger than three years of age for conformation, gait, and temperament.

The first North American exposure to the Mangalarga Marchador took place at the Centennial Exposition in Philadelphia in 1876. Due to political turmoil in Brazil at that time, a breeding population could not be exported and the breed was not established here. In the early 1990s stallions and mares were imported and breeding programs were established in Florida. Mr. Lucas Guerra and his family continue in Homestead, FL. In 2000, Regal Legacy Farms began a new importation. To date they have imported more than 20 horses.

There are now approximately 50 Marchador horses in North America (and 300,000 plus in Brazil.)

An American breed association is in the process of forming and laying the groundwork for future growth. A major problem to be resolved is registration of American born horses. The consensus among U.S. owners appears to be that we want to adhere to the same strict regimen that is found in Brazil. This means that we can have our horses integrated into the existing Brazilian studbooks.

At Haras Lucero, in Kingston, TN we presently have three mares, two having been imported with permanent registry (or RD) status. All three are currently in foal, due in July 2003.

We have always worked our mares, and the current crop is no exception. While our senior mare, at 20, spends her time as a mama, the younger mares work regularly riding trails, doing basic dressage, and giving breed demonstrations and promotions. We have begun gun breaking our mares (for participation in Cowboy Mounted Shooting and the Mounted Pistol Competitions, sponsored by the U.S. Cavalry Association). And participation in the local Hunt is not beyond reason!

We selected the Marchador horse after many years of experience with multiple North American gaited breeds. Our primary experience was with Walking and Racking horses, but we had some experience with Mountain Horses, gaited Saddlebreds, Paso Finos, and Peruvian Pasos. In each breed we found both positive and negative qualities. After a long and rigorous analysis, the Marchador horse "got the nod" as it possessed the highest number of "pluses" and the fewest "minuses."

We feel that the Marchador horse has a bright future in North America, based upon its sound mind, excellent conformation, and versatility.

Oh, and its very smooth way of going. Who could ask for more?

Summer 2005

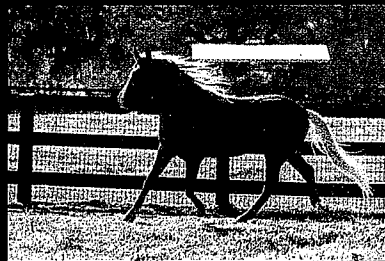


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For more information, please contact...

Marsha Holloway

Premier International Farms, LLC

8250 NW 138th Avenue Road.

P.O. Box 770955

Ocala, FL 34482

352.351.1949



Mangalarga
Marchador Horses



Premier International Farms

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THE NATIONAL HORSE OF BRAZIL

So...He prefers DIAGONAL and She prefers LATERAL but I want BOTH...

Finally the choice is yours in one fantastic breed

Premier International Farms is the United State's largest breeder of Mangalarga Marchador horses. Together with their partners, syndicates and cooperatives; Premier International is able to offer the widest selection of horses, bloodlines, and networking in North America. We invite you to experience the history of Brazil in some of the most luxurious facilities around the world. Premier International Farms, as the exclusive importer of Mangalarga Marchador horses, is committed to protecting the purity of this noble 200 year old pure breed and invites you to participate in this exciting adventure.

Unique in equine history, today's Mangalarga Marchador horses descend from the Royal Alter Stallions of Portuguese King D. Joao V about 1751-1808, King D Joao VI, threatened by the invading Napoleonic armies, fled with his court, his family and select Royal Alter stallions to Rio de Janeiro, Brazil. These royal stallions, bred with African Barb mares, were genetically improved in the Royal Breeding Farms of Brazil by the emperors of Brazil, Pedro 1 and Pedro II. The breed has remained in its

purest form for nearly 200 years and is known as the National Horse of Brazil.

In 1991, ten Mangalarga Marchador horses were imported by the Guer family of Miami. Unfortunately lack of marketing, education and a devastating fire left the Mangalarga Marchador virtually unknown and undiscovered in the U.S. Then in 2000, the Mangalarga Marchador was introduced to North America once again with an aggressive marketing campaign focusing on newspapers, magazines, radio and television coverage. Only through the committed attendance of all major equestrian expositions, parades and events, the distribution of educational material and press releases, interviews and circulation of breed literature did the Mangalarga Marchador actually catch the attention of the American consumer.

Today, Premier International Farms has continued the focus of establishing the Mangalarga Marchador as a prominent breed in North America. Together with the alliance of Brazilian partners, the Brazilian Association (ABCCMM), the American Association (MMHAA) and established syndications throughout North America the success of the Mangalarga Marchador is now more certain than ever.

Breed

Distinguished by its noble character, stamina, smooth natural gaits and elegant appearance, the Marchador makes a superb sport or working horse. The breed is very intelligent and easy to train, with a versatility that includes dressage, hunter jumper, trail, ranch work and polo. The horse's legendary endurance earned a place in the Guinness Book of World Records for a phenomenal 8,694 mile trek. The Marchador's height averages between 15 and 17 hands, with an average weight of 900-1200 pounds. Extremely hardy, the breed has proven its adaptability to virtually any terrain and climate.

Gaits

The Marchador has two special gaits - the marcha picada and the marcha batida. In addition to the walk, trot, canter and gallop, they have a triple hoof support, four beat gait known for exquisite smoothness and stability. This is the only horse in the world that can perform on a lateral and diagonal motion competitively.

Breed Management and Registration

Strict registration standards enforced by the Brazilian Mangalarga

Marchador Association have ensured the finest breeding lines and foundation stock. The Mangalarga Marchador Horse Association of America is the steward of this noble breed in North America.

PREMIER INTERNATIONAL FARMS

8250 N. W. 136th Avenue Road

Ocala, FL 34482

352-368-5786 phone

info@us-premier.com

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Importing Horses: A Complex Proposition

By Linda Holst

Exotic breeds hail from exotic locations. What could be better than a horse born and bred in its homeland?

ARE YOU THINKING OF IMPORTING A HORSE into the United States? Experienced breeders have been importing for decades in order to build up herds, improve bloodlines and diversify breeding stock. Likewise, export travel for eventing sport horses and racehorse prospects is also on the rise. As part of an international industry, horses move between countries for breeding, competition and recreation almost everyday.

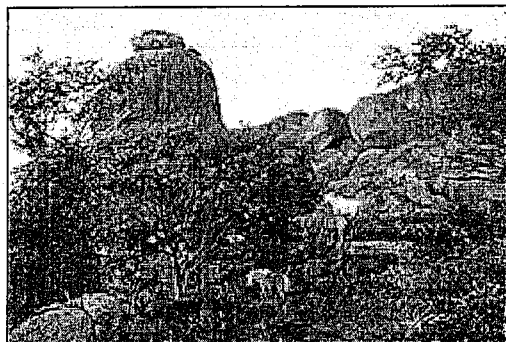
The Internet and communication by e-mail has made it easier than ever to "shop" all over the world. Numerous web sites provide enticing information on almost every breed to be found. As a result, we've seen more breeds being introduced to the U.S. equestrian, such as Icelandics, Friesians and the Brazilian Mangalarga Marchador. This makes it tempting to consider importing, but is this a realistic way to go for the average horse enthusiast?

Import Requirements

IMPORTING LIVESTOCK INVOLVES the selection and purchase of the animal, treatment for exposure to disease, compliance with the agricultural quarantine regulations for both the exporting and importing countries and the transportation logistics from farm (seller) to final destination (buyer). While no special license to import is necessary, each step in the purchase and importing process has numerous nuances that are best navigated by experience.

The primary concern is being sure that the USDA will

grant the horse being imported admittance into the U.S.



Mangalarga Marchador horses running free on the range in their native Brazil. Photo by Paula de Silva

Laying all well planned logistics aside, the primary concern is being sure that the USDA will grant the horse being imported admittance into the U.S.

Quarantine in a designated USDA facility is required for all horses entering the United States for a period ranging from three days to seven days, depending on the country of origin. While in quarantine, tests for equine Piroplasmosis, equine infectious anemia (EIA/Coggins test), glanders and dourine are conducted and the horses are inspected for external parasites.

Horses that test positive for any of the diseases are refused entry into the United States and must be shipped back or destroyed. Not a decision anyone would want to make.

Federal law also requires that all breeding horses over the age of two traveling to the United States from a country that is known to have the disease Contagious Equine Metritis (CEM) must go to a CEM quarantine facility for rigorous testing and treatment for a period of 15 days for mares and 30 days, or more, for stallions. (Geldings are exempt as non-breeding horses.) Horses from the member states of the European Union* are among the countries affected with Contagious Equine Metritis (CEM). CEM is a venereal disease of horses caused by bacteria and spread through breeding. Ultimately, CEM results in a mare's inability to conceive. Stallions can carry the bacteria, but do not show clinical signs.

Horses should be insured whenever possible. Full mortality, limited theft endorsement and special endorsements such as rejection at port of entry,

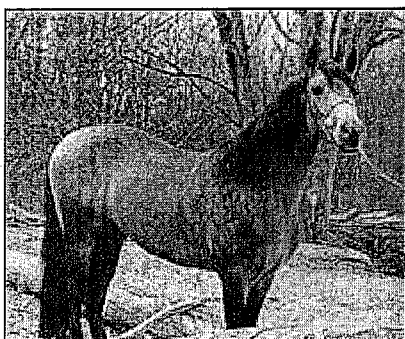
quarantine and transportation coverage should be thoroughly examined.

* Horses from Iceland are exempt from testing for dourine, glanders, equine piroplasmiasis, and equine infectious anemia during the quarantine period following importation. Iceland has never had a reported case of dourine, glanders, equine piroplasmiasis, or equine infectious anemia.

Buyer Beware

OK, SO YOU UNDERSTAND THE RISKS, but where do you start? There's no substitute for knowing from whom you are buying, especially when dealing with a foreign country. Horror stories abound of individuals not getting the same animal they had paid for upon arrival in the U.S. or not having them clear when they arrive.

Even working with the best of the foreign breeders and their veterinarians, there often remains cultural differences and "things that can get lost in the translation".



Imported Mangalarga Marchador stallion JALLAIO,
owned by Marsha Sielbeck. Photo courtesy Marsha Sielbeck

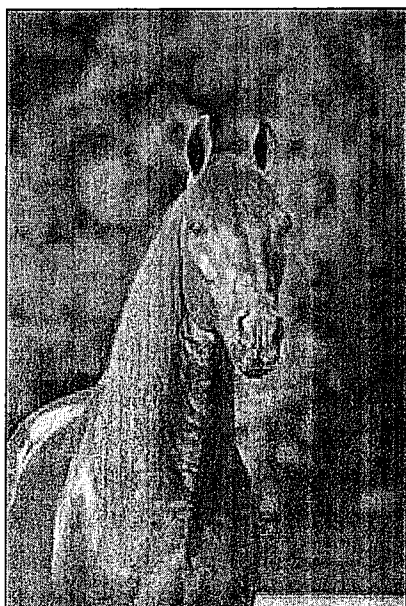
Even working with the best of the foreign breeders and their veterinarians, there often remains cultural differences and "things that can get lost in the translation". The best route to take is to work with an experienced U.S. importing breeder who can present a selection of animals and is actively involved in the entire process. (Breed magazines and associations can provide a selection of names to contact.) They will have a vested interest in making the experience as hassle free as possible as they assist in the selection of the horse to import, payment arrangements, securing the services that prepare the horse for shipment, working with the

freight forwarder who will facilitate the horses arrival into quarantine and arrange for the transportation to final destination. It is common for some horses to not "clear" the tests for piroplasmosis and therefore they can't be sold for export. Then you have other horses to choose from.



Local color enlivens the importing experience! Photo by Paula de Silva.

After many trips to Brazil and careful research of the desirable bloodlines that will establish the Mangalarga Marchador breed in the U.S., we narrowed down the ranches we import from. By developing a relationship with our Brazilian breeders, we are able to assure customers that they are presented only the best quality animals with top bloodlines. We ride as well as videotape the horse's movement, so we can match the selected horses with our buyer's objectives and make recommendations. Look for breeder/importers who can offer you the same type of service.

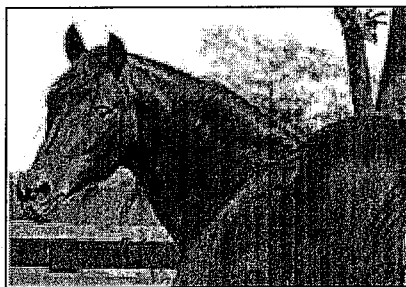


Paso Fino star, CAPUCHINO, was imported in 1983. Photo by Darlene Wohlar.

Paula Wolff of Pony Creek Ranch, Cleveland MO, was able to purchase an imported Paso Fino filly, whose bloodlines weren't available in the U.S., through a video in the mid-90s. By working directly with a long time established Columbian breeder with an excellent reputation, who was fluent in English and notable in the breed both in the U.S. and internationally, there was an assurance of a successful purchase. A thirty-hour drive each way was made to verify U.S. arrival, check that the paperwork was in order for the Miami Quarantine, and then bring the filly home.

Quarantine

IN RECENT YEARS, GROWING DEMANDS FOR SPACE at the Newburgh, NY and the Miami, FL, quarantine facilities for horses imported into the U.S. have exceeded the space available. As recently as 1999 the horse industry opposed licensing private farms to quarantine permanent entry horses, but has since reconsidered given the tremendous influx of imported horses, overcrowding, delays, and other problems. With delays of up to two months at certain times of the year, the USDA was under considerable pressure to find alternatives. To locate the closest private quarantine, contact your veterinarian and local USDA office, as they are your best resource for locating permitted facilities.



Also imported in the 1980s, PLEBEYO DOS
bred by Milo Saria. Photo by Darlene Wohlar.

Premier International Quarantine Center (PIQC), among the newest private quarantine facilities in the U.S., is a good example of what to look for in a private facility. Located in Ocala Florida, PIQC it is approved as both a CEM Quarantine and USDA Export Quarantine Facility, while serving as an Import Quarantine Facility, as well. "The fact that we handle both directions, coming and going, gives us a unique

position among private quarantine facilities”, states Marsha Sielbeck, a managing partner of Premier International Import Export, LLC.



Imported Peruvian stallion.

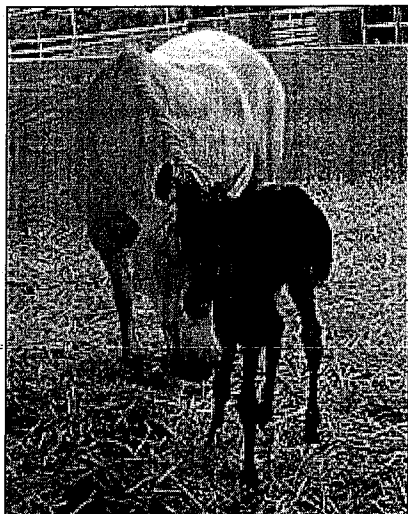
Photo by Darlene Wohlar.

“Why Ocala? As the horse capital of Florida, it caters to every breed and discipline. It actually is more convenient and flexible. Depending on the season, booking slots at the three U.S. ports that accommodate horses, Newburg (NY), Miami (FL) and Los Angeles, (CA) can be limited due to overbooking or “phantom bookings” by shippers.”

Sielbeck explains further. “It can be less expensive and easier on the horse to come into the U.S. through the Miami Port, enjoy a restful quarantine in Ocala, and then be transported to the West Coast with a professional horse transportation service. Each horse experiences a calm, quiet stay in a peaceful secluded indoor environment with a relaxing view and daily turnouts in lush pasture. Unlike other quarantine facilities, we also provide our clients with a clubhouse and viewing area so you can see your horses prior to their release, thus providing owners and trainers with peace of mind.”

Horses that must undergo CEM testing before traveling out of the U.S. will find that the Premier International Quarantine Center makes economic sense for a lengthy

and usually expensive process. Federal law requires that all mares and stallions traveling outside the United States must undergo a minimum 30-day quarantine and testing under the supervision of the USDA for CEM.



Newly imported Mangalarga mare and foal.

Photo courtesy Linda Holst.

Make it Easy

THE BEST ADVICE? Work with U.S. breeders who are experienced in importing. Make sure you have a clear understanding and a contract that spells out all aspects of the purchase, including terms and delivery.

Work out the “what if” in advance with a contingency plan and be prepared for the unexpected.

Although it's relatively unlikely, understand that once the animal is transported following a pre-shipment quarantine exam in the country of origin, the risk of 'not passing' the U.S. quarantine exam remains. Work out the “what ifs” in advance with a contingency plan and be prepared for the unexpected.

Often imported is a “two for one” package of mares that are in foal. One Mangalarga Marchador mare foaled two weeks early on the airplane while it was on the ground in Brazil with a delay, so the mare and foal were able to get off before takeoff. The filly and mare shipped a few months later sharing the same container. The filly was named Arial.

Equine Piroplasmosis

Equine Piroplasmosis (EP) is a disease of Equidae

(horses, donkeys, mules, and zebras) caused by protozoan parasites, which invade and destroy red blood cells. Two species of protozoa, *Babesia equi* and *Babesia caballi* are present in 90% of the world inhabited by horses. Only Canada, United States, Australia, Japan, England and Ireland are not considered to be endemic areas.

The greatest risk for introduction of this disease is through trading of animals or international equestrian sports, where infected and non-infected animals are in contact. The disease is blood borne, and is generally transmitted by ticks and other insects. Many disease free countries have the climate suitable for a foreign tick vector, or have ticks, which could act as vectors.

Diagnosis is through serological techniques, and unfortunately both false positive and false negative tests occur. *B. caballi* causes a less severe disease as only about 1% of the red blood cells are infected. Infections may not be apparent, but can persist from one to four years, although they are eventually eliminated. They may be associated with poor appetite, poor performance, and weight loss. *B. equi* infects up to 20% of red blood cells, leading to more severe clinical signs with fever, anemia, icterus (jaundice) increased respiratory and heart rates, and enlargement of the spleen.

Due to anemia caused by the loss of red blood cells and the released hemoglobin may cause icterus and dark urine. Colic, constipation followed by diarrhea, and swelling of the legs can occur. Foals can be infected in utero, and can be aborted or born anemic and weak. Animals with *B. equi* infections become life-long carriers.

The USDA is changing the current import test for equine Piroplasmosis to a more sensitive test because of problems with positive horses slipping into the U.S. under current testing. The change, along with USDA's new policy of refusing entry to horses after a single positive test (previously a retest was given if a positive test was received), is likely to have an impact on segments of the horse industry that move horses

internationally.

Breed Resources

Mangalarga Marchador Horse Association
P.O. Box 770955
Ocala, FL 34477
(352) 427-9644
www.mmhaa.com

Rancho Linda Marchadores
P.O. Box 1008
Bonsall, CA 92003
(858) 212-6650
www.marchadorhorses.com

Paso Fino Horse Association
101 North Collins Street
Plant City, FL 33563-3311
(813) 719-7777
www.pfha.org

Peruvian Paso Horse Breeders' and Owners'
Association
P.O. BOX 476
WILTON, CA 95693
(916) 687-6232
www.aaobpph.org

Peruvian Paso Horse Registry of North America
3077 Wiljan Court, Ste. A
Santa Rosa, CA 95407
(707) 579-4394
www.pphrna.org

United States Icelandic Horse Congress
38 Park Street
Montclair, NJ 07042
(973) 783-3429
www.icelandics.org

Import Resources

Los Angeles Import Center

11850 S. La Cienega Blvd.
Hawthorne, CA 90250
(310) 725-1970

Miami Animal Import Center
P.O. Box 660657
Miami Springs, FL 33266
(305) 526-2926

New York Animal Import Center
200 Drury
Rock Tavern, NY 12575
(845) 564-2950

Premier Import Export & Quarantine Center
8250 NW 136th Ave. Road
Ocala Florida, 34482
(352) 368-5786

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 7678364866

For the mark M and Design

Published in the Official Gazette on December 5, 2006

-----X
MONTANA MANGALARGA MARCHADORS LLC, :

Opposer, :

v. : Opposition No.

MARSHA K. SIELBECK, :

Applicant. :
-----X

EXHIBIT F

By: SALANS
Lora A. Moffatt
Lisa Rosenburgh
Alison Naidech
Rockefeller Center
620 Fifth Avenue
New York, NY 10020
Phone: (212) 632-5500
Fax: (212) 632-5555

Attorneys for Opposer
MONTANA MANGALARGA
MARCHADORS LLC



United States Patent and Trademark Office

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Word Mark M M
Goods and Services (ABANDONED) IC 006. US 002 012 013 014 023 025 050. G & S: 3" Freeze Iron Brand on the right shoulder of **Mangalarga** Marchador horses This brand is placed on registered **Mangalarga** Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed. FIRST USE: 20000109
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 18.13.01 - Horseshoes
Serial Number 76220652
Filing Date March 6, 2001
Current Filing Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) **Mangalarga** Marchador Horse Association of America CORPORATION OHIO 3367 Charter Oak Drive Maumee OHIO 43537
Description of Mark "The mark consists of a bold horseshoe with a bold "M" in the center."
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead

Indicator DEAD

Abandonment
Date November 25, 2001

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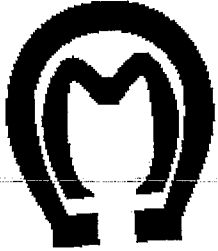
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Serial Number: 76220652 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark



(words only): M M

Standard Character claim: No

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 2002-02-27

Filing Date: 2001-03-06

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

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Date In Location: 2003-05-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Mangalarga Marchador Horse Association of America

Address:

Mangalarga Marchador Horse Association of America
3367 Charter Oak Drive
Maumee, OH 43537
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Ohio**Phone Number:** 4198651537**Fax Number:** 4198654293

GOODS AND/OR SERVICES

International Class: 006**Class Status:** Active

3" Freeze Iron Brand on the right shoulder of Mangalarga Marchador horses This brand is placed on registered Mangalarga Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed

Basis: 1(a)**First Use Date:** 2000-01-09**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Description of Mark: "The mark consists of a bold horseshoe with a bold "M" in the center."**Design Search Code(s):**

18.13.01 - Horseshoes

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-02-27 - Abandonment - Failure To Respond Or Late Response

2001-05-24 - Non-final action mailed

2001-05-09 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

MANGALARGA MARCHADOR HORSE ASSOCIATION

3367 CHARTER OAK DR
MAUMEE OH 43537-9457
Phone Number: 4198651537
Fax Number: 4198654293

Drawing Page**Date/Time Stamp:** Monday, 03-05-2001 23:54:03 EST

03-06-2001

U.S. Patent & TMO/TM Mail RptDt. #54

Applicant:

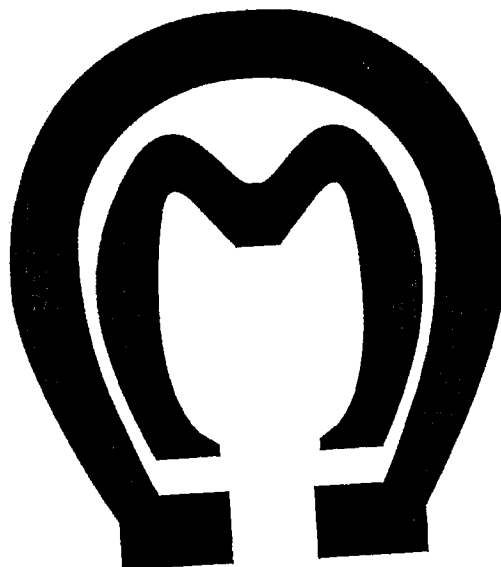
Mangalarga Marchador Horse Association of America
3367 Charter Oak Drive
Maumee, OH 43537
USA

Date of First Use Anywhere: 01/01/1950**Date of First Use In Commerce:** 01/09/2000**Goods and Services:**

3" Freeze Iron Brand on the right shoulder of Mangalarga Marchador horses. This brand is placed on registered Mangalarga Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed.

Date of First Use Anywhere: 01/01/1950**Date of First Use In Commerce:** 09/01/2000**Goods and Services:**

3" Freeze Iron Brand on the right shoulder of Mangalarga Marchador horses. This brand is placed on registered Mangalarga Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed.

Mark:**TRADEMARK**

76220652

76220652

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

03/09/2001 TSMITH 00000083 76220652
01 FC:361 325.00 OP

PTO Form 1478 (Rev 9/98)
OMB Control #0651-0009 (Exp. 08/31/2001)

Trademark/Service Mark Application

*** To the Commissioner for Trademarks ***

<DOCUMENT INFORMATION>
<TRADEMARK/SERVICEMARK APPLICATION>
<VERSION 1.22>

<APPLICANT INFORMATION>
<NAME> Mangalarga Marchador Horse Association of America
<STREET> 3367 Charter Oak Drive
<CITY> Maumee
<STATE> OH
<COUNTRY> USA
<ZIP/POSTAL CODE> 43537
<TELEPHONE NUMBER> 4198651537
<FAX NUMBER> 4198654293
<E-MAIL ADDRESS> horses@stax.net
<AUTHORIZE E-MAIL COMMUNICATION> Yes

<APPLICANT ENTITY INFORMATION>
<CORPORATION: STATE/COUNTRY OF INCORPORATION> Ohio

<TRADEMARK/SERVICEMARK INFORMATION>
<MARK> A freeze brand on a horse's right front shoulder, "3" in size.
<TYPED FORM> No
~ Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended). ~

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>
<USE IN COMMERCE: SECTION 1(a)> Yes
~ Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. §1051(a), as amended.). Applicant attaches one SPECIMEN for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services. ~
<SPECIMEN DESCRIPTION> A black and white photo of a bold horseshoe with a bold "M" inside. This is the 3" branding iron mold for the iron used to brand the horses on the right shoulder.
<LISTING OF GOODS AND/OR SERVICES> 3" Freeze Iron Brand on the right shoulder of Mangalarga Marchador horses. This brand is placed on registered Mangalarga Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed.
<FIRST USE ANYWHERE DATE> 01/01/1950
<FIRST USE IN COMMERCE DATE> 01/09/2000

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>
<USE IN COMMERCE: SECTION 1(a)> Yes

.../get?USPTO-20957123135-20010305235323318-PrinTEAS-122962109dcbbc5c3c802645da84c3/5/01

~ Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. §1051(a), as amended.). Applicant attaches one SPECIMEN for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services. ~

<LISTING OF GOODS AND/OR SERVICES> 3" Freeze Iron Brand on the right shoulder of Mangalarga Marchador horses. This brand is placed on registered Mangalarga Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed.

<FIRST USE ANYWHERE DATE> 01/01/1950

<FIRST USE IN COMMERCE DATE> 09/01/2000

<OPTIONAL INFORMATION>

<DESCRIPTION OF THE MARK> "The mark consists of a bold horseshoe with a bold "M" in the center."

<FEE INFORMATION>

<TOTAL FEES PAID> 325

<NUMBER OF CLASSES PAID> 1

<NUMBER OF CLASSES> 2

<LAW OFFICE INFORMATION>

~ The USPTO is authorized to communicate with the applicant at the below e-mail address

~

<E-MAIL ADDRESS FOR CORRESPONDENCE> horses@stax.net

<SIGNATURE AND OTHER INFORMATION>

~ **PTO-Application Declaration:** The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true. ~

<SIGNATURE>

* please sign here*

<DATE>

<NAME> Marsha Sielbeck

<TITLE> President

The information collected on this form allows the PTO to determine whether a mark may be registered on the Principal or Supplemental register, and provides notice of an applicant's claim of ownership of the mark. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental register. 15 U.S.C. §§1051 et seq. and 37 C.F.R. Part 2. All information collected will be made public.

.../get?USPTO-20957123135-20010305235323318-PrinTEAS-122962109dcbbc5c3c802645da84 3/5/01

Trademark/Service Mark Application

The table below presents the data as entered.

Input Field	Entered
NAME	Mangalarga Marchador Horse Association of America
STREET	3367 Charter Oak Drive
CITY	Maumee
STATE	OH
COUNTRY	USA
ZIP/POSTAL CODE	43537
TELEPHONE NUMBER	4198651537
FAX NUMBER	4198654293
E-MAIL ADDRESS	horses@stax.net
AUTHORIZE E-MAIL COMMUNICATION	Yes
CORPORATION: STATE/COUNTRY OF INCORPORATION	Ohio
MARK	A freeze brand on a horse's right front shoulder, "3" in size.
TYPED FORM	No
USE IN COMMERCE: SECTION 1(a)	Yes
SPECIMEN DESCRIPTION	A black and white photo of a bold horseshoe with a bold "M" inside. This is the 3" branding iron mold for the iron used to brand the horses on the right shoulder.
LISTING OF GOODS AND/OR SERVICES	3" Freeze Iron Brand on the right shoulder of Mangalarga Marchador horses. This brand is placed on registered Mangalarga Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed.
FIRST USE ANYWHERE DATE	01/01/1950
FIRST USE IN COMMERCE DATE	01/09/2000

USE IN COMMERCE:
SECTION 1(a)

Yes

LISTING OF GOODS
AND/OR SERVICES

3" Freeze Iron Brand on the right shoulder of Mangalarga Marchador horses. This brand is placed on registered Mangalarga Marchador Horses and when placed recognizes purity, genetic testing and specific standards of the breed.

FIRST USE ANYWHERE
DATE

01/01/1950

FIRST USE IN COMMERCE
DATE

09/01/2000

DESCRIPTION OF THE
MARK

"The mark consists of a bold horseshoe with a bold "M" in the center."

TOTAL FEES PAID

325

NUMBER OF CLASSES PAID

1

NUMBER OF CLASSES

2

E-MAIL ADDRESS FOR
CORRESPONDENCE

horses@stax.net

NAME

Marsha Sielbeck

TITLE

President

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United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Sat Feb 17 16:00:00 EST 2007

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[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 8 out of 19**
[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)


Word Mark	M
Goods and Services	(ABANDONED) IC 042. US 100 101. G & S: Association services; namely; paper products promoting the interests of the owners and breeders of Mangalarga Marchador horses. FIRST USE: 20000901. FIRST USE IN COMMERCE: 20000901
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	18.13.01 - Horseshoes
Serial Number	76209469
Filing Date	February 14, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Mangalarga Marchador Horse Association of America CORPORATION OHIO 3367 Charter Oak Drive Maumee OHIO 43537
Description of Mark	"The mark consists of a bold black horseshoe with a bold black "M" in the center.."
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD

**Abandonment
Date**

December 15, 2001

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Drawing Page**Date/Time Stamp:** Thursday, 09-28-2000 11:21:02 EDT

02-14-2001

U.S. Patent & TMO/c/TM Mail RptDt. #34

Applicant:

Mangalarga Marchador Horse Association of America
3367 Charter Oak Drive
Maumee, OH 43537
USA

~~**Date of First Use Anywhere:** 09/01/2000~~**Date of First Use In Commerce:** 09/01/2000**Goods and Services:**

Association services; namely; paper products promoting the interests of the owners and breeders of Mangalarga Marchador horses.

Mark:**TRADEMARK**

76209469

76209469

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

02/16/2001 SWILSON 00000069 76209469

01. FC:361

325.00 OP

PTO Form 1478 (Rev 9/98)
OMB Control #0651-0009 (Exp. 08/31/2001)

Trademark/Service Mark Application

*** To the Commissioner for Trademarks ***

<DOCUMENT INFORMATION>

<TRADEMARK/SERVICEMARK APPLICATION>

<VERSION 1.22>

<APPLICANT INFORMATION>

<NAME> Mangalarga Marchador Horse Association of America

<STREET> 3367 Charter Oak Drive

<CITY> Maumee

<STATE> OH

<COUNTRY> USA

<ZIP/POSTAL CODE> 43537

<TELEPHONE NUMBER> 4198651537

<FAX NUMBER> 4198654293

<E-MAIL ADDRESS> horses@stax.net

<APPLICANT ENTITY INFORMATION>

<CORPORATION: STATE/COUNTRY OF INCORPORATION> Ohio

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK>

<TYPED FORM> No

~ Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended). ~

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<USE IN COMMERCE: SECTION 1(a)> Yes

~ Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. §1051(a), as amended.). Applicant attaches one SPECIMEN for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services. ~

<SPECIMEN DESCRIPTION> Registration papers for the Company.

<LISTING OF GOODS AND/OR SERVICES> Association services; namely; paper products promoting the interests of the owners and breeders of Mangalarga Marchador horses.

<FIRST USE ANYWHERE DATE> 09/01/2000

<FIRST USE IN COMMERCE DATE> 09/01/2000

<OPTIONAL INFORMATION>

<DESCRIPTION OF THE MARK> "The mark consists of a bold black horseshoe with a bold black "M" in the center.."

<FEE INFORMATION>

<TOTAL FEES PAID> 325
 <NUMBER OF CLASSES PAID> 1
 <NUMBER OF CLASSES> 1

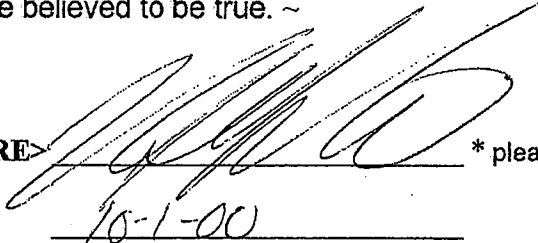
<LAW OFFICE INFORMATION>

~ The USPTO is authorized to communicate with the applicant at the below e-mail address ~
 <E-MAIL ADDRESS FOR CORRESPONDENCE> horses@stax.net

<SIGNATURE AND OTHER INFORMATION>

~ **PTO-Application Declaration:** The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true. ~

<SIGNATURE>



* please sign here*

<DATE>

10-1-00

<NAME> Marsha K. Sielbeck
 <TITLE> President/CEO

The information collected on this form allows the PTO to determine whether a mark may be registered on the Principal or Supplemental register, and provides notice of an applicant's claim of ownership of the mark. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental register. 15 U.S.C. §§1051 et seq. and 37 C.F.R. Part 2. All information collected will be made public. Gathering and providing the information will require an estimated 12 or 18 minutes (depending if the application is based on an intent to use the mark in commerce, use of the mark in commerce, or a foreign application or registration). Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231. Please note that the PTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number.

Trademark/Service Mark Application

The table below presents the data as entered.

Input Field	Entered
NAME	Mangalarga Marchador Horse Association of America
STREET	3367 Charter Oak Drive
CITY	Maumee
STATE	OH
COUNTRY	USA
ZIP/POSTAL CODE	43537
TELEPHONE NUMBER	4198651537
FAX NUMBER	4198654293
E-MAIL ADDRESS	horses@stax.net
CORPORATION: STATE/COUNTRY OF INCORPORATION	Ohio
MARK	
TYPED FORM	No
USE IN COMMERCE: SECTION 1(a)	Yes
SPECIMEN DESCRIPTION	Letterhead for the Company.
LISTING OF GOODS AND/OR SERVICES	Association services, namely, paper products promoting the interests of the owners and breeders of Mangalarga Marchador horses.
FIRST USE ANYWHERE DATE	09/01/2000
FIRST USE IN COMMERCE DATE	09/01/2000
DESCRIPTION OF THE MARK	"The mark consists of A crest colored in purple and black, the continents of North and South America inside the crest in gold, a black horseshoe with a black "M" inside, with a crown of purple on top and a spanish horse and rider in black and gold. The words "Preserving Brazilian History with the Integrity of American Excellence" around the crest in gold. A purple ribbon through the bottom that states "Mangalarga Marchador" written in gold."

TOTAL FEES PAID

325

NUMBER OF CLASSES PAID

1

NUMBER OF CLASSES

1

E-MAIL ADDRESS FOR
CORRESPONDENCE

horses@stax.net

NAME

Marsha K. Sielbeck

TITLE

President/CEO

[Go Back](#)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 7678364866
For the mark M and Design
Published in the Official Gazette on December 5, 2006

-----X
MONTANA MANGALARGA MARCHADORS LLC, :

Opposer, :

v. : Opposition No.

MARSHA K. SIELBECK, :

Applicant. :

-----X

EXHIBIT G

By: SALANS
Lora A. Moffatt
Lisa Rosenburgh
Alison Naidech
Rockefeller Center
620 Fifth Avenue
New York, NY 10020
Phone: (212) 632-5500
Fax: (212) 632-5555

Attorneys for Opposer
MONTANA MANGALARGA
MARCHADORS LLC

To: Sielbeck, Marsha K./ (msielbeck@us-premier.com)
Subject: TRADEMARK APPLICATION NO. 78364866 - N/A
Sent: 9/3/2004 5:23:51 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/364866

APPLICANT: Sielbeck, Marsha K./

78364866

CORRESPONDENT ADDRESS:

Sielbeck, Marsha K./
8250 NW 136TH AVENUE RD
OCALA FL 34482-1743

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MARK:

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

msielbeck@us-premier.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78/364866

Search:

A search of the Office records is deferred until applicant responds to the issues raised in this Office action. TMEP §704.02.

It appears that the applicant is applying for a certification mark but used in wrong form. Please complete and return the form for a certification mark that follows. TMEP §§1306 *et seq.* A new filing fee is not required.

Certification Mark Application 15 U.S.C. §1054
Principal Register - Substitute Application

(Fill in Sections 1-7 below. Submit Certification Standards in 8 as appropriate. Sign and Date.)

(1) Application Serial Number:

(2) Applicant's Name:

(3) Applicant's Mailing Address:

(4) Applicant's Entity Type: (Check one and supply requested information)

____ Individual – Citizen of (Country):

____ Partnership – U.S. State where organized (Country, if appropriate):

Names and Citizenship (Country) of General Partners:

____ Corporation – U.S. State (Country, if appropriate) of Incorporation:

____ Other (specify nature of entity and domicile, e.g., unincorporated association organized under the laws of New York):

(5) GOODS AND/OR SERVICES BEING CERTIFIED: Applicant must list the goods and/or services it certifies below:

(6) CERTIFICATION STATEMENT: Applicant must specify what feature of the goods or services is being certified, e.g., a particular regional origin, a characteristic or quality of the goods, that the labor was performed by a particular group, etc.

The certification mark certifies that _____

(7) BASIS FOR APPLICATION: (Check basis or bases which apply, but do not check both the first and second bases (A & B) for the same goods and services – and supply requested information related to each basis)

A Trademark Act Section 1(a) – Mark is in Actual Use in Commerce

Applicant has adopted and is exercising legitimate control over the use of the certification mark in commerce and has been exercising legitimate control over the use of the mark in commerce since the filing date of the application.

A specimen showing the mark used by authorized persons is submitted with this application.

Specify Date of First Use Anywhere:

Specify Date of First Use in Commerce:

B Trademark Act Section 1(b) – Intent to Use Mark in Commerce

Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above-identified goods/services, and has had a bona fide intention to exercise legitimate control over the use of the mark in commerce since the filing date of the application.

C Trademark Act Section 44(d) – Prior Filed Foreign Application

Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above-identified goods/services, and has had a bona fide intention to exercise legitimate control over the use of the mark in commerce since the filing date of the application.

Specify Country of Foreign Filing:

Specify Foreign Application Serial No.:

Specify Date Foreign Application Filed:

D Trademark Act Section 44(e) – Prior Filed Foreign Registration

Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above-identified goods/services, and has had a bona fide intention to exercise legitimate control over the use of the mark in commerce since the filing date of the application.

Specify Country of Foreign Registration:

Specify Foreign Registration Number:

Specify Registration Date:

Applicant is not engaged (or will not engage) in the production or marketing of the goods or services to which the mark is applied.

(8) COPY OF CERTIFICATION STANDARDS MUST BE SUBMITTED: Applicant must provide a copy of the standards applicant uses to certify the goods and/or services. If applicant files based on actual use in commerce, then these standards must be submitted with the application. If applicant files based on an intent to use, the standards should be provided with the allegation of use (amendment to allege use or statement of use).

DECLARATION

The undersigned being hereby warned that willful false statements and the like are made punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that s/he is properly authorized to execute this application on behalf of applicant; s/he believes the applicant to be exercising legitimate control over the use of the mark in commerce, or, if the application is filed under 15 U.S.C. §1051(b) or §1126, s/he believes applicant has a bona fide intention to exercise legitimate control over the use of the mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements are made of his/her own knowledge are true and that all statements made on information and believe are believe to be true.

Date:

Signature:

Print or Type Name and Position of Signatory

Drawing:

Applicant must submit a new drawing showing the entire mark clearly and conforming to 37 C.F.R. §2.52. The current drawing is not acceptable because the applicant must delete the actual photograph of the horse and submit only a drawing of the horseshoe and the letter M, which would be the certification mark. TMEP §807.07(a).

The requirements for a special-form drawing are as follows:

- # The drawing must appear in black and white if color is not claimed as a feature of the mark, or in color if color is claimed as a feature of the mark.

- # Drawings must be typed or made with a pen or by a process that will provide high definition when copied. A photolithographic, printer's proof copy, or other high quality reproduction of the mark may be used. All lines must be clean, sharp and solid, and must not be fine or crowded.

- # The image must be no larger than 3.15 inches (8 cm) high by 3.15 inches (8cm) wide.

- # If reduction of the mark to the required size renders any details illegible, then applicant may insert a statement in the application to describe the mark and these details.

37 C.F.R. §§2.52(b); *See* TMEP §§807.01(b) and 807.07(a).

If submitted on paper, the Office prefers that the drawing be depicted on a separate sheet of non-shiny, white paper that is 8 to 8.5 inches wide and 11 to 11.69 inches long (20.3 to 21.6 cm. wide and 27.9 to 29.7 cm. long). One of the shorter sides of the sheet should be regarded as its top edge. In addition, the drawing should include the caption "DRAWING PAGE" at the top of the drawing beginning one-inch (2.5 cm) from the top edge. 37 C.F.R. §2.54.

The Office strictly enforces these drawing requirements.

To submit a special form drawing electronically, applicant must attach a digitized image of the mark to the submission. The image must be formatted at no less than 300 dots per inch and no more than 350 dots per inch; and with a length and width of no less than 250 pixels and no more than 944 pixels. All lines in the image must be clean, sharp and solid, and not fine or crowded, and produce a high quality image when copied. 37 C.F.R. §2.53.

NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at www.uspto.gov.

My Law Office will move on November 1st. To reach me by phone after that date call (571) 272- 9316.

To submit a **fax** response to this Office action after that date, send your response to the Law Office fax number, namely (571) 273-9106.

/Lourdes D. Ayala/

Examining Attorney

Law Office 106

703-308-9106 x 225

Fax: 703-746-8106

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

MASSINGER**LAW OFFICES****INTELLECTUAL PROPERTY LAW AND BUSINESS MATTERS****PATENTS ■ TRADEMARKS ■ COPYRIGHTS ■ LICENSING ■ LITIGATION****TO: Examiner Lourdes D. Ayala****FAX: (571) 273-9106****FROM: Douglas Wm. Massinger****DATE: June 13, 2005****RE: Serial No. 78/364,866****FAX****TOTAL****10****PAGES****TRANSMITTED: Via Facsimile and First Class Mail****COMMENTS:****IMPORTANT NOTICE**

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OCALA, FL
887 N.E. 100 STREET
OCALA, FL 34479
(352) 351-0351
FAX: (352) 351-0359

DELAWARE COUNTY, PA
20 WEST FRONT STREET
MEDIA, PA 19063
(610) 627-1661
FAX: (610) 627-1662

PHILADELPHIA, PA
399 MARKET STREET
PHILADELPHIA, PA 19106
(866) 351-0351
FAX: (866) 351-0359

VISIT US: WWW.IDEALAWFIRM.COM ■ EMAIL: MASSINGER@IDEALAWFIRM.COM ■ TOLL FREE: (877) IDEA LAW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**IN RE:**

APPLICATION OF : **SIELBECK, MARSHA K.**
TITLE : **MISCELLANEOUS DESIGN**
SERIAL NO. : **78/364,866**
FILING DATE : **FEBRUARY 9, 2004**
EXAMINING ATTORNEY : **AYALA, LOURDES D.**
LAW OFFICE : **NO. 106**
ATTORNEY DOCKET NO. : **FL4785-TM1**

TO: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION TO REVIVE APPLICATION

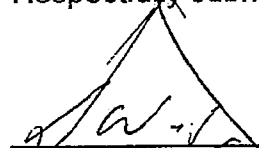
The above captioned trademark application was abandoned on March 3, 2005 based on Applicant's failure to respond to the Office Action mailed on September 3, 2004 within the statutorily enumerated response period (6 months).

Applicant hereby petitions this Office to revive the above captioned application for registration of its certification mark and submits that the reason for the delay in responding by the due date was UNINTENTIONAL.

The petition fee of \$100, made payable to the Commissioner of Trademarks is enclosed herewith, together with a copy of Applicant's Response to the Examiners Office Action.

Date: JUNE 13, 2005

Respectfully submitted,

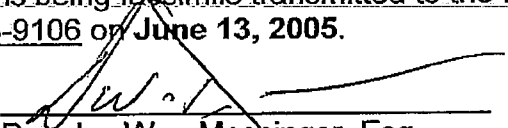


Douglas Wm. Massinger, Esq.
USPTO Reg. No. 35,942
Attorney for Applicant

MASSINGER LAW OFFICES
887 N.E. 100 Street
Ocala, FL 34479
(352) 351-0351

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-9106 on **June 13, 2005**.



Douglas Wm. Massinger, Esq.
Attorney for Applicant

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2605

6/13/2005

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MEMO Petition to Revive Fee - Serial No. 78/364,866

⑈002605⑈ ⑆044000804⑆ 041153740411⑈

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Commissioner for Trademarks
COSTS:Filing Fees:USPTO6/13/2005
Petition to Revive Fee - Serial No. 78/364,866

2605

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Petition to Revive Fee - Serial No. 78/364,86

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COSTS:Filing Fees:USPTO6/13/2005
Petition to Revive Fee - Serial No. 78/364,866

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100.00

Checking

Petition to Revive Fee - Serial No. 78/364,86

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE:

APPLICATION OF : SIELBECK, MARSHA K.
TITLE : MISCELLANEOUS DESIGN
SERIAL NO. : 78/364,866
FILING DATE : FEBRUARY 9, 2004
EXAMINING ATTORNEY : AYALA, LOURDES D.
LAW OFFICE : NO. 106
ATTORNEY DOCKET NO. : FL4785-TM1

TO: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S RESPONSE TO THE EXAMINER'S OFFICE ACTION
DATED SEPTEMBER 3, 2004

This is Applicant's response to the Examiner's Office Action dated September 3, 2004. A Petition to Revive the application has been filed simultaneously herewith.

AMENDMENT

Kindly amend the application by substituting in its stead the attached "*Certification Mark Application 15 U.S.C. §1054, Principal Register – Substitute Application*" together with the Certification Standards (2 pages) attached thereto as Exhibit A and the Drawing of the Mark.

REMARKS

Applicant has amended the originally filed application by substituting in its stead a Certification Mark Application pursuant to 15 U.S.C. § 1054. A copy of the Certification Standards as well as a drawing of the mark have also been filed herewith. A specimen showing the mark as used by authorized persons was previously submitted with the original

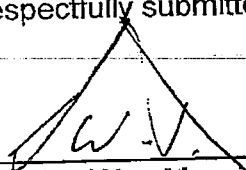
application as a drawing of the mark. Applicant requests that this image be treated as a specimen of use.

A Petition to Revive the subject application has also been filed contemporaneously with this Amendment, together with the appropriate filing fee. There are no additional fees due with this Amendment.

Based on the above amendments and remarks, Applicant now believes the subject application to be in condition for allowance and registration.

Respectfully submitted,

Date: JUNE 13, 2005

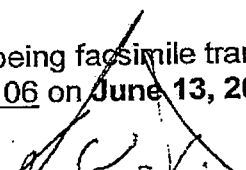


Douglas Wm. Massinger, Esq.
USPTO Reg. No. 35,942
Attorney for Applicant

MASSINGER LAW OFFICES
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(352) 351-0351

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Douglas Wm. Massinger, Esq.
Attorney for Applicant

**Certification Mark Application 15 U.S.C. §1054
Principal Register – Substitute Application**

Applicant's Serial Number: 78/364,866

Applicant's Name: Marsha K. Sielbeck

Applicant's Mailing Address: 8250 NW 136th Avenue Road, Ocala, FL
34482-1743

Applicant's Entity Type: Individual – Citizen of USA

Goods and/or Services Being Certified: Mangalarga Marchador horses.

Certification Statement: The certification mark certifies a stallion, gelding, mare or foal's standard of quality as defined by certifier's rules and procedures; including, but not limited to, bloodlines, confirmation, color, gait, character and rideability.

Basis for Application: Trademark Act Section 1(a) – Mark is in Actual Use in Commerce.

- a. A specimen showing the mark used by authorized persons was previously submitted with this application (as a drawing of the mark).
- b. Date of First Use Anywhere: 06/01/2004
- c. Date of First Use in Commerce: 09/01/2004
- d. Applicant is not engaged in the production or marketing of the goods or services to which the mark is applied.

Certification Standards: A copy of the standards applicant uses to certify the goods is attached hereto, marked "Exhibit A" for identification purposes, and incorporated herein by reference.

DECLARATION

The undersigned being hereby warned that willful false statements and the like are made punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of applicant; she believes the applicant to be exercising legitimate control over the use of the mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of her own knowledge are true and that all statements made on information and belief are believed to be true.

Dated: June 13, 2005

/Marsha K. Sielbeck/ 
Marsha K. Sielbeck, Applicant

EXHIBIT A – CERTIFICATION STANDARDS

The head of the Mangalarga is triangular (not concave), with a large, flat forehead tapering to a small, fine muzzle. It has a straight profile and large dark eyes, which are set wide apart and are extremely vivacious, typical of the Barb horse. The ears are proportional to the head, mobile, parallel and well set-erect, with the tips turned inward. They have an alert, attentive attitude and the upright ears echo the firm look in the eyes that profess they are equal to any obstacle encountered along the way.

The mouth is of medium width and sensitive to the bit. The nostrils are large, dilated and flexible. The neck is of medium length, sufficient for the horse to be well balanced for riding and reining. It is well arched and muscular, inserted in the top third of the chest to allow for a proud, high carriage. The thorax is deep and allows for great lung capacity, one of the reasons for the legendary stamina of the breed. The back is of medium length with short and well-muscled loins. If the distance from the back to the loins is of lesser or equal distance to the length of the croup, it is a sign that the horse possesses excellent conformation. The croup is slightly sloping and long, the tail is set at a medium height, with a short, fine dock pointed down but slightly raised when the animal moves.

The gaskin and forearm tend to be long, well muscled and articulated and the cannons are short. The pasterns and hooves are at the slightly lower angle typical of Spanish horses. This allows him to overreach well and without excessive stress to his suspensories.

The Mangalarga Marchador is considered a light horse, but it stands strong and well muscled, between 14.2 and up to 17 hands, and weighs between 900-1200 pounds. Its coat is fine and silky with a full mane and tail. The common colors are gray, bay and chestnut, but it also can be found in most of the equine colors including pinto and an exotic burgundy that is peculiar to the breed.

The horse is also judged on how it executes its gait. Important are carriage, brio and elegance with consistent timing over a wide range of speeds. The Marchador has two special gaits - the marcha picada and the marcha batida. In addition to the walk, trot, canter and gallop, they have a triple-hoof support, four beat gait known for exquisite smoothness and stability. This is the only horse in the world that can perform on a lateral and diagonal motion competitively.

Marcha Picada (lateral) Gait: A four beat gait characterized by lateral leg movements, with the sequence of the hoofs being: right rear, right front, left rear, left front, the hind foot touching the ground a fraction of a second before the front foot. The continuous triple hoof support and the over reach of the hind foot, makes the gait very smooth. This differs from "the pace" which is an exclusively lateral movement to the limbs, where the two legs on the same side (foreleg and hind leg) go up at the same time as the other side goes down, which result in only half of the horses body mass being set on the ground at each time of

movement. At extended speed the head and body lifts up like a speed boat in front to create a "plane-like" sensation that makes you feel like you aren't moving.

Marcha Batida (diagonal) Gait: While the legs are moving in a diagonal four beat sequence, with movements of triple hoof support, the Batida gait proves to be much different from a trot. Although some ways similar, this gait differs from the trot (suspended moments of all legs in the air) as the horse is always in contact with the ground. The longer and more frequent the moments of triple hoof support, the more comfortable the gait. However, with similar diagonal movement the horse is easily taught to trot, which is a necessity in events such as dressage.

~~The Marchador is surefooted, graceful, comfortable and excellent in~~
temperament. They are playful, love people and have a docile nature. Stallions are usually easy to handle. The Marchador is very intelligent and easy to train.

DRAWING OF THE MARK

Owner:

MARSHA K. SIELBECK
8250 nw 136TH Avenue RD
Ocala, FL 34482-1743

Serial No.:

78/364,866

Mark:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 7678364866

For the mark M and Design

Published in the Official Gazette on December 5, 2006

-----X
MONTANA MANGALARGA MARCHADORS LLC, :

Opposer, :

v. : Opposition No.

MARSHA K. SIELBECK, :

Applicant. :

-----X

EXHIBIT H

By: SALANS
Lora A. Moffatt
Lisa Rosenburgh
Alison Naidech
Rockefeller Center
620 Fifth Avenue
New York, NY 10020
Phone: (212) 632-5500
Fax: (212) 632-5555

Attorneys for Opposer
MONTANA MANGALARGA
MARCHADORS LLC

**MASSINGER
LAW OFFICES****INTELLECTUAL PROPERTY LAW AND BUSINESS MATTERS****PATENTS ■ TRADEMARKS ■ COPYRIGHTS ■ LICENSING ■ LITIGATION**

TO: Examiner Lourdes D. Ayala
FAX: (571) 273-9106
FROM: Douglas Wm. Massinger
DATE: June 24, 2005
RE: Serial No. 78/364,866

FAX**TOTAL
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PAGES**

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COMMENTS:**IMPORTANT NOTICE**

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(610) 627-1661
FAX: (610) 627-1662

PHILADELPHIA, PA
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Serial No. 78/364,866
Law Office No. 106
Examiner: Ayala, Lourdes D.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE:

APPLICATION OF : **SIELBECK, MARSHA K.**
TITLE : **MISCELLANEOUS DESIGN**

SERIAL NO. : **78/364,866**
FILING DATE : **FEBRUARY 9, 2004**
EXAMINING ATTORNEY : **AYALA, LOURDES D.**
LAW OFFICE : **NO. 106**
ATTORNEY DOCKET NO. : **FL4785-TM1**

TO: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

AMENDMENT

Kindly amend the above captioned application as follows:

Date of First Use

Applicant hereby amends the date of first use of the subject mark from 06/01/2004 to at least as early as **06/01/01**.

Date of First Use in Commerce

Applicant hereby amends the date of first use in commerce of the subject mark from 09/01/2004 to at least as early as **09/01/01**.

Serial No. 78/364,866
Law Office No. 106
Examiner: Ayala, Lourdes D.


REMARKS

Applicant filed a Substitute Application for Certification Mark pursuant to 15 U.S.C. §1054 on June 13, 2005, together with a Petition to Revive the above captioned application which said petition is currently pending. In its Substitute Application, Applicant mistakenly identified the years for the dates of first use and first use in commerce as 2004 when in fact they were in 2001. Applicant has corrected these dates through the above amendment and requests that they be entered of record. Applicant further encloses herewith an amended substitute application with the dates of first use properly listed in the event the Examiner prefers to substitute the same for the original.

No fee is owed with this Amendment.

Respectfully submitted,

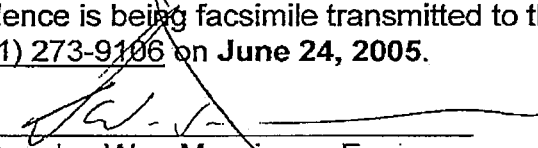
Date: June 24, 2005


Douglas Wm. Massinger, Esq.
USPTO Reg. No. 35,942
MASSINGER LAW OFFICES
887 N.E. 100 Street
Ocala, FL 34479
(352) 351-0351

Attorney for Applicant

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-9106 on **June 24, 2005**.


Douglas Wm. Massinger, Esq.
Attorney for Applicant

***Certification Mark Application 15 U.S.C. §1054
Principal Register – Substitute Application***

Applicant's Serial Number: 78/364,866

Applicant's Name: Marsha K. Sielbeck

Applicant's Mailing Address: 8250 NW 136th Avenue Road, Ocala, FL
34482-1743

Applicant's Entity Type: Individual – Citizen of USA

Goods and/or Services Being Certified: Mangalarga Marchador horses.

Certification Statement: The certification mark certifies a stallion, gelding, mare or foal's standard of quality as defined by certifier's rules and procedures; including, but not limited to, bloodlines, confirmation, color, gait, character and rideability.

Basis for Application: Trademark Act Section 1(a) – Mark is in Actual Use in Commerce.

- a. A specimen showing the mark used by authorized persons was previously submitted with this application (as a drawing of the mark).
- b. Date of First Use Anywhere: 06/01/2001
- c. Date of First Use in Commerce: 09/01/2001
- d. Applicant is not engaged in the production or marketing of the goods or services to which the mark is applied.

Certification Standards: A copy of the standards applicant uses to certify the goods is attached hereto, marked "Exhibit A" for identification purposes, and incorporated herein by reference.

DECLARATION

The undersigned being hereby warned that willful false statements and the like are made punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of applicant; she believes the applicant to be exercising legitimate control over the use of the mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of her own knowledge are true and that all statements made on information and belief are believed to be true.

Dated: June 13, 2005

/Marsha K. Sielbeck
Marsha K. Sielbeck, Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 7678364866
For the mark M and Design
Published in the Official Gazette on December 5, 2006

-----X
MONTANA MANGALARGA MARCHADORS LLC, :

Opposer, :

v. : Opposition No.

MARSHA K. SIELBECK, :

Applicant. :

-----X

EXHIBIT I

By: SALANS
Lora A. Moffatt
Lisa Rosenburgh
Alison Naidech
Rockefeller Center
620 Fifth Avenue
New York, NY 10020
Phone: (212) 632-5500
Fax: (212) 632-5555

Attorneys for Opposer
MONTANA MANGALARGA
MARCHADORS LLC

DENTON & KEULER, LLP
Attorneys at Law
P.O. Box 929
Paducah, Kentucky 42002-0929
TELEPHONE (270) 443-8253
FACSIMILE (270) 442-6000
E-MAIL vhoover@dklaw.com

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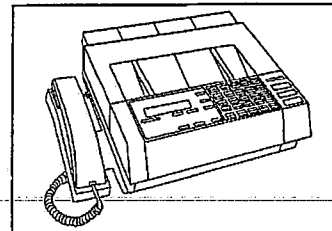
Date: June 9, 2006

To: Ms. Lourdes D. Ayala
United States Patent & Trademark Office

At Fax No.: 1-571-273-9106

Re: Serial No. 78364866
Mark: Miscellaneous Design

From: Vickie Hoover



PAGES ATTACHED INCLUDING THIS SHEET: 5

Ms. Ayala:

Please allow this letter to serve as notification that Jason M. Lacy, Denton & Keuler, LLP, has been retained by Marsha K. Sielbeck (n/k/a Marsha Holloway) in her efforts to register the mark as above referenced.

We are aware of the Office Action that was forwarded to Ms. Sielbeck on November 3, 2005, and that there has been no response to this action. (see attached)

Please contact me at your earliest convenience so that we may discuss the steps needed to change representation and to properly respond to the November 3, 2005, Office Action.

You may call me at the number listed above, email me or fax your response, whichever is most convenient for you. I look forward to hearing from you soon.

Vickie Hoover

Vickie Hoover
Paralegal

79541

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May. 16. 2006 6:28PM ACTION NO. 78364866 - N/A

No. 9683 Pap. 3 of 3

Document Description: Office Action Outgoing
Mail / Create Date: 03-Nov-2005

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You are currently on page 1 of 3

To: Sielbeck, Marsha K./ (msielbeck@us-premier.com)
Subject: TRADEMARK APPLICATION NO. 78364866 - N/A
Sent: 11/3/2005 9:33:07 AM
Sent As: ECOM106@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/364866

APPLICANT: Sielbeck, Marsha K./

CORRESPONDENT ADDRESS:

Sielbeck, Marsha K./
8250 NW 136TH AVENUE RD
OCALA FL 34482-1743

78364866

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK:

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

msielbeck@us-premier.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

Serial Number 78/364866

This letter responds to the applicant's communication filed on July 1, 2005.

Amendments Entered:

The following requirement(s) have been satisfied and are now withdrawn or entered: (1) drawing and certification form. TMEP §714.04.

Outstanding Issues:**Exercising legitimate control:**

Applicant must amend the application to state "applicant has adopted and is exercising legitimate control over the use of the certification mark in commerce as of the filing date of the application" as it is not clear for the submitted form. 37 C.F.R. §2.45(a); TMEP §1306.06(g)(iii). Certifying organizations own certification marks and grant authority to others to use their marks. They do not use the marks themselves.

Dates-of-use clause:

Applicant must amend the dates-of-use clause to refer to use by the parties authorized by applicant to use the mark. TMEP §§1306.01(a) and 1306.06(g)(iv). Applicant must verify this amendment with an affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.71(c); TMEP §903.05. The dates-of-use clause in the application is not clear.

Questions:

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Lourdes D. Ayala/
Examining Attorney
Law Office 106
(571) 272-9316
Fax: (571) 273-9106

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://www.uspto.gov/teas/index.html> and follow the instructions, but if the Office Action has been issued via email, you must wait 72 hours after receipt of the Office Action to respond via TEAS).
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney's name in your response.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending

May 16, 2006 6:28 PM APPLICATION NO. 78364866 - N/A

No. 9683 Page 5 of 3

applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

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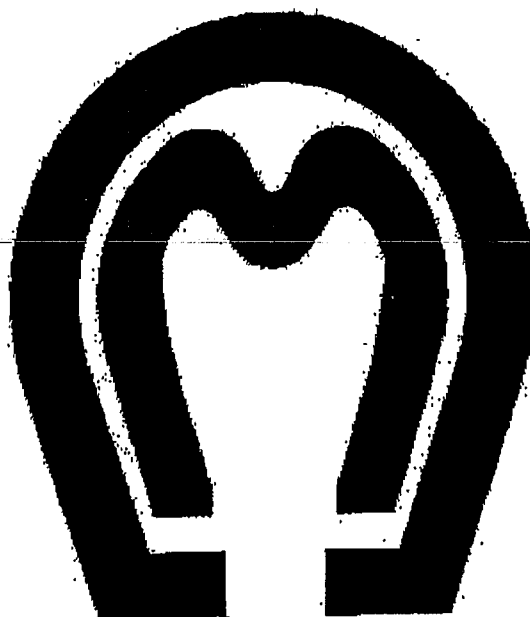
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- *Send questions about USPTO programs to the USPTO Contact Center (UCC).*
- *If you have technical difficulties or problems with this application, please e-mail them to Electronic Business Support Electronic Applications or call 1 800-786-9199.*

May.16. 2006 6:28PM

No.9683 Pa. 6 of 1

Document Description: **Offc Action Outgoing**
Mail / Create Date: **03-Nov-2005**

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DENTON & KEULER, LLP
Attorneys at Law
P.O. Box 929
Paducah, Kentucky 42002-0929
TELEPHONE (270) 443-8253
FACSIMILE (270) 442-6000
E-MAIL vhoover@dklaw.com

Facsimile Transmittal Cover Sheet

Date: August 16, 2006

To: Examiner Lourdes D. Ayala
United States Patent and Trademark Office

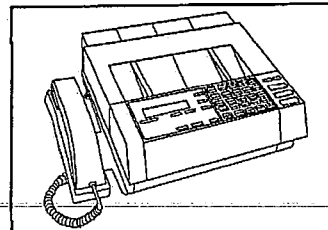
At Fax No.: (571)273-9106

Re: Serial No. 78/364,866

From: Vickie Hoover

PAGES ATTACHED INCLUDING THIS SHEET: 7

TRANSMITTED: Via Facsimile and First Class Mail



COMMENTS:

See attached

NOTICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE:

APPLICATION OF : SIELBECK, MARSHA K.
TITLE : MISCELLANEOUS DESIGN
SERIAL NO. : 78/364,866
FILING DATE : FEBRUARY 9, 2004
EXAMINING ATTORNEY : AYALA, LOURDES D.
LAW OFFICE : DENTON & KEULER, LLP
ATTORNEY DOCKET NO. : N/A

TO: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION TO REVIVE APPLICATION

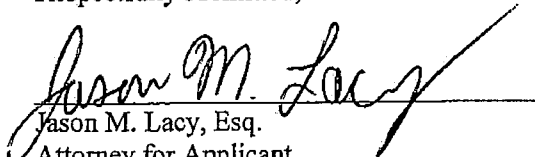
The above captioned trademark application was abandoned on July 5, 2006, based on Applicant's failure to respond to the Office Action mailed on November 3, 2005, within the statutorily enumerated response period (6 months).

Applicant hereby petitions this Office to revive the above captioned application for registration of its certification mark and submits that the reason for the delay in responding by the due date was UNINTENTIONAL.

The petition fee of \$100, made payable to the Commissioner of Trademarks, is enclosed herewith, together with a copy of Applicant's Response to the Examiners Office Action.

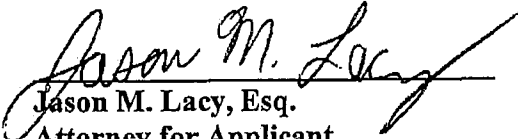
Date: August 11, 2006

Respectfully submitted,


Jason M. Lacy, Esq.
Attorney for Applicant
DENTON & KEULER, LLP
P.O. Box 929
Paducah, KY 42002-0929
(270) 443-9253

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-9106 on August 16, 2006.


Jason M. Lacy, Esq.
Attorney for Applicant

81084

***Certification Mark Application 15 U.S.C. §1054
Principal Register - Substitute Application***

Applicant's Serial Number: 78/364,866

Applicant's Name: Marsha K. Sielbeck (n/k/a Marsha K. Holloway)

Applicant's Mailing Address: 8250 NW 136th Avenue Road, Ocala, FL 34482-1743

Applicant's Entity Type: Individual - Citizen of USA

Goods and/or Services Being Certified: Mangalarga Marchador horses

Certification Statement: The certification mark certifies a stallion, gelding, mare or foal's standard of quality as defined by certifier's rules and procedures; including, but not limited to, bloodlines, confirmation, color, gait, character and rideability.

Basis for Application: Trademark Act Section 1(a) - Mark is in Actual Use in Commerce.

- a. A specimen showing the mark used by authorized persons was previously submitted with this application (as a drawing of the mark). The applicant has adopted and is exercising legitimate control over the use of the certification mark as of the filing date of this application.
- b. Date of First Use Anywhere by the parties authorized by applicant to use the mark: 06/01/2001
- c. Date of First Use in Commerce by the parties authorized by applicant to use the mark: 09/01/2001
- d. Applicant is not engaged in the production or marketing of the goods or services to which the mark is applied.

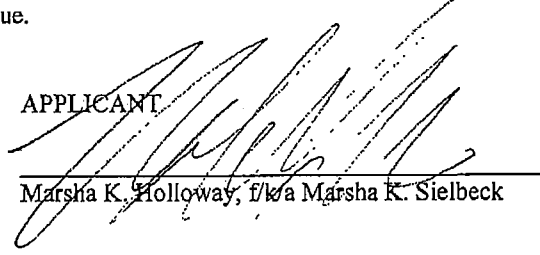
Certification Standards: A copy of the standards applicant used to certify the goods was filed previously with this office.

DECLARATION

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Dated: 8/1/06

APPLICANT


Marsha K. Holloway, f/k/a Marsha K. Sielbeck

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE:

APPLICATION OF : SIELBECK, MARSHA K.
TITLE : MISCELLANEOUS DESIGN
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ATTORNEY DOCKET NO. : N/A

TO: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S RESPONSE TO THE EXAMINER'S OFFICE ACTION
DATED NOVEMBER 3, 2005

This is Applicant's response to the Examiner's Office Action dated November 3, 2005. A Petition to Revive the application has been filed simultaneously herewith. In addition, the Power of Attorney for Jason M. Lacy, Esquire, Denton & Keuler, LLP is filed herein.

AMENDMENT

Kindly amend the application by substituting in its stead the attached "*Certification Mark Application 15 U.S.C. §1054, Principal Register - Substitute Application.*"

REMARKS

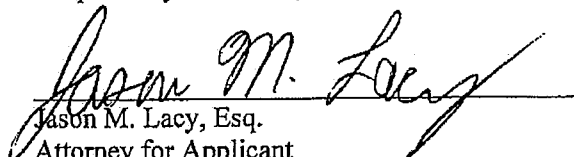
Applicant has amended the originally filed application by substituting in its stead a Certification Mark Application pursuant to 15 U.S.C. § 1054.

A Petition to Revive the subject application has also been filed contemporaneously with this Amendment, together with the appropriate filing fee. There are no additional fees due with the Amendment.

Based on the above amendments and remarks, Applicant now believes the subject application to be in condition for allowance and registration.

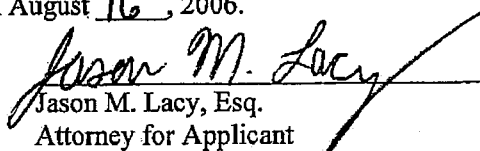
Date: August 16, 2006

Respectfully submitted,


Jason M. Lacy, Esq.
Attorney for Applicant
DENTON & KEULER, LLP
P.O. Box 929
Paducah, KY 42002-0929
(270) 443-8253

Certification of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-9106 on August 16, 2006.


Jason M. Lacy, Esq.
Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE:

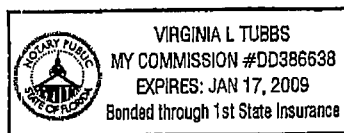
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ATTORNEY DOCKET NO. : N/A

To: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

POWER OF ATTORNEY

Marsha K. Sielbeck (n/k/a Marsha K. Holloway) hereby appoints JASON M. LACY, ESQUIRE, DENTON & KEULER, LLP, 555 Jefferson Street, Suite 301, Paducah, Kentucky, 42001, a member of the Bar of the State of Kentucky, to prosecute this application to register, to transact all business in the U.S. Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration.

Executed in Ocala FL, this 19 day of July, 2006.



Virginia L. Tubbs
7-19-2006

[Signature]
MARSHA K. HOLLOWAY
(f/k/a Marsha K. Sielbeck)
Applicant

80041